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Senate

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 Lord God, who rules the raging of the seas, we praise You that we continue to be sustained by Your goodness and mercies. We are grateful for each heartbeat we receive as a gift from Your bounty. Help us to so live that we will never forget our accountability to You.

Lord, bless our Senators, enlighten and illuminate them that they may cultivate an experiential relationship with You, delighting to follow Your precepts. Touch their lips, that they may speak words that unite and bring hope. Give them hearts that are willing to serve. Strengthen them when tempted and guide them when they are perplexed.

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 (Mr. TOOMEY). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

SENATE AGENDA

Mr. McCONNELL. First, for the information of all of our colleagues, later

this morning I will introduce a continuing resolution that will ensure continuous funding to the Federal Government. The measure will provide the resources necessary to continue normal operations through February 8.

Let's review why this step was necessary.

Even in the face of a great need to secure the border and following good-faith efforts by the President's team, our Democratic colleagues rejected an extremely reasonable offer yesterday. It would have cleared the remaining appropriation bills, which had received bipartisan support in committee, and provided an additional \$1 billion to tackle a variety of urgent border security priorities.

I am sorry that my Democratic colleagues couldn't put their partisanship aside and show the same good faith and flexibility that the President has shown in order to provide the resources our Nation needs to secure the integrity of our borders as well as the safety of American families, but this seems to be the reality of our political moment. It seems like political spite, for the President may be winning out over sensible policy—even sensible policies that are more modest than border security allocations that many Democrats themselves have supported in the very recent past.

Faced with this intransigence—with Democrats' failure to take our borders seriously—Republicans will continue to fulfill our duty to govern. That is why we will soon take up a simple measure that will continue government funding into February, so that we can continue this vital debate after the new Congress has convened, because—make no mistake—there will be important unfinished business in front of us, and we owe it to the American people to finally tackle it.

Just last week, U.S. Customs and Border Commissioner Kevin McAleenan told our colleagues on the Judiciary Committee that the United

States faces a border security and humanitarian crisis—a border security and humanitarian crisis.

These are some of the facts. In the past year alone, we saw a 30-percent increase in apprehensions by CBP, including nearly 6,700 apprehensions of individuals with criminal histories and a 50-percent increase in apprehensions of known gang members. We have seen a 75-percent spike in methamphetamine seizures since fiscal 2015. So it is quite obvious that shoring up our borders is an urgent need for our national security—no question about it.

Secure borders are what the American people expect and they deserve. That is why it continues to be a major focus of President Trump and his administration. Already the President's approach to border security is yielding undeniable results. In each of four CBP sectors where physical borders have been improved or expanded—El Paso, Yuma, Tucson, and San Diego—illegal traffic has dropped by at least 90 percent.

While you wouldn't know it from listening to the far-left special interests, this administration's focus on border security actually follows similar commonsense efforts that used to be a bipartisan consensus.

It used to be a bipartisan consensus. In 2006, for example, the Secure Fence Act, which is designed to strengthen physical security measures at the border, received the support of no fewer than 26 of our Democratic colleagues, including the current Democratic leader, along with Senators FEINSTEIN, CARPER, NELSON, STABENOW, WYDEN, and Obama.

In 2010, President Obama signed a bill to increase the CBP's physical presence down at the border. It passed the Senate by unanimous consent, by the way.

So let's not pretend there is some bright-line principle that separates the billions of dollars that our Democratic colleagues were willing and eager to spend on border security in the recent

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



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past and the resources now requested by the President and his team. There is no big difference in principle. There has just been a shift in the political winds on the far left. This is knee-jerk, partisan opposition to the administration's reasonable and flexible requests. This is making political obstruction a higher goal than the integrity of our Nation's borders. Frankly, it is just political spite, and the American people know it when they see it.

So the Senate will continue our work on the remaining bills—the products of much bipartisan hard work and collaboration, and, in the meantime, we will turn to a clean continuing resolution later today so we can make sure we don't end this year the way we began it—with another government shutdown because of the Democrats' allergy to sensible immigration policies. That is what they did at the beginning of the year.

We need the government to remain open for the American people. We need to wrap up our work for this year, and I hope that my Democratic friends return next year ready to join the President, this Senate majority, and the American people in our desire to secure our border.

TRIBUTE TO PAUL RYAN

Mr. McCONNELL. Mr. President, on a completely different matter, from time to time, each of us has indulged in jokes and finger-pointing that sustain the friendly rivalry between the House and the Senate—the Founders' metaphorical teacup and saucer. Make no mistake. I am thankful every day that so many former Representatives see the light and come over to join us in the Upper Chamber, but for the past 3 years, there is no one outside of the Senate with whom I have partnered more closely than the Speaker of the House, PAUL RYAN.

As history will remember, the speakership was far from the destination that the contented Ways and Means chairman had in mind when our friend John Boehner announced his retirement in 2015, but to the great fortune of the entire Republican Party, PAUL had demonstrated over his years in the House the very qualities his conference needed most.

Everyone knew he had uncompromising integrity, seemingly inexhaustible energy, the trust and admiration of his fellow Members, and he had an aspirational message about what we stood for as Republicans. He has reminded our party, as clearly and forcefully as any leader of his generation, about all that our party can and should aspire to be—"not pale pastels," in Ronald Reagan's timeless words, "but bold colors." His colleagues knew he had all of these qualities, and we knew it here in the Senate.

While I was far from the most crucial member of the pressure campaign—a draft effort that even roped in the Cardinal Archbishop of New York—I will

admit that I picked up the phone too. I called PAUL and told him exactly what he didn't want to hear—that he was the right man at the right moment. Conveniently, I was about to get on a plane to Iraq at the time. So PAUL didn't have much of an opportunity to push back.

Over the past 3 years, I have had more opportunities than most to see the right man in action. We have met weekly to coordinate the efforts of our majorities and present a united front on behalf of the American people. At times the cohesion between our teams made it feel like we shared one large staff. So I have seen firsthand how much of what we have been able to accomplish this Congress has been due in huge part to PAUL's serious approach and to his principles and his pragmatism alike.

He helped lead the way on last year's comprehensive reform of our Tax Code, turning his decades-long personal mission into a brighter future for millions of American workers and job creators.

He navigated tense funding negotiations with a deep understanding of his Members' concerns and stood firm in support of America's military, helping to deliver the largest year-on-year increase in defense funding in 15 years.

He stayed true to his heart, putting Catholic social teaching into practice and fighting for policies of all shapes and sizes to lift up the most vulnerable among us, from the working poor to the victims of human trafficking.

His tenure as Speaker has proved a perfect capstone to a remarkable career in Congress. Every step of the way, PAUL has shattered myths and stereotypes about what conservative leaders are like.

Through his long list of accomplishments and his personal witness alike, he has demonstrated that faith in American free enterprise and individual liberty are not quaint, outdated ideas but essential and timeless principles.

He has helped prove that right-of-center values are not only the basis for protest movements, as some cynics had liked to suggest, they are also the foundation for governing majorities.

He has shown that our party's ideals and principles do not clash whatsoever with the moral priority we should place on those at the margins of society but rather that those ideas are often the best means to honor that commitment.

Talk about a product of the Jack Kemp coaching tree. It is safe to say the Speaker's cherished mentor would be mighty proud. PAUL's time at the center stage of our Nation's politics has inspired countless Americans, including a new generation of leaders, but speaking personally, more than any one of the accomplishments that I have been proud to work with PAUL to help to secure, I think I will most remember how he has done that job; how energetically and happily the Speaker has poured himself into each task at

hand. No matter if some said it couldn't be done, no matter that he hadn't sought the job in the first place, the happy warrior has been undeterred.

For all this says about PAUL RYAN the Speaker, it says even more about PAUL RYAN the man. He has a big heart and a razor-sharp mind. It doesn't take long to notice either one, and he knows how to lead with both.

He is a man of profound faith and abiding patriotism, and even after 20 years of Washington, he remains a staunch optimist. PAUL is quick to insist that America's brightest days are yet to come and even quicker to back up the sentiment with action.

Working with Speaker RYAN has been among the great joys of my career in the Senate. The Nation is so much better for his leadership, and I am better for his friendship. I am so grateful to PAUL for everything. I wish him, Janna, and their lovely family great happiness in whatever adventures lie ahead.

TRIBUTE TO JOHN CORNYN

Mr. McCONNELL. Mr. President, now I am down to my very last end-of-year tribute to a Member of this body. I offer this one with the very greatest reluctance.

This one isn't occasioned by any retirement. Fortunately, for all of us, Senator JOHN CORNYN isn't going anywhere. He will be right here with us when the 116th Congress convenes in January, but he will no longer be serving as Republican whip. His tenure in this key leadership role is almost complete. So I could not let the week pass without sharing for the official Record—and with all of our colleagues—a small slice of the tremendous gratitude and respect and admiration I feel for the senior Senator from Texas.

JOHN and I were already well acquainted when he took over the whip role 6 years ago in relief of JON KYL, but still, I wasn't sure exactly what our relationship would look like. You never quite know in advance. Everybody is different, but just a few weeks into our partnership as leader and whip, JOHN presented me with a birthday gift that told me at least three things about him.

He framed and autographed a picture of ourselves—just an ordinary, not particularly glamorous shot of the two of us, plus JOHN BARRASSO, probably talking with the press there in the Ohio Clock corridor.

A somewhat unusual gift, I thought. Lesson No. 1: This guy has a sense of humor and good cheer. In this photo, I am kind of standing front and center. Six-foot-one JOHN is standing right behind me, a little out of focus and halfway in the shadow. So there is lesson No. 2: Humility.

Then there was his handwritten message: "Happy birthday, Mitch—I've got your back." That was lesson No. 3. It spoke for itself and how fortunate I

have been to be reminded every single day since that JOHN CORNYN meant exactly what he said.

JOHN has proven to be a stunningly effective whip for the Republican conference these past years. He has also been more than a solid friend and a wiser, more loyal counselor than I had any right to expect.

The whip is a powerful position. The conference trusts you to help lead them. Your peers trust you with your candor and their concerns. As each piece of legislation progresses, different groups of your colleagues are trusting you to help secure accomplishments that are huge priorities for them and their own constituents.

So it is easy to imagine ways this critical role could go off the rails. You could wear out your welcome with some of your colleagues. You could become too focused on notching today's win at the expense of tomorrow's relationships and good feelings. You could let personal disagreements threaten the unity of your leadership team and your conference, but as those who know him well can attest, these aren't worries that keep John up at night. That is because he is the quintessential team player, not focused on personal gain, dedicated to the causes that matter to Texas and his Members, and willing to roll up his sleeves and do the hefty lifting himself to advance those goals.

You know, they say everything is bigger in Texas, and sure enough, "Big John" has been known to ride across the screen in campaign spots from time to time, but somewhere along the way, JOHN's ego didn't get the message. JOHN doesn't twist arms or get angry. He doesn't playact at being the bad cop. Instead, he listens. He learns. He pours his time and energy into learning all about his colleagues, their concerns, their State's priorities.

People outside the Senate might think someone in JOHN's position would need to act like a bully. The term "whip" certainly sends that message, but JOHN knows that scare tactics don't do many favors in the long run. The winning strategy on Team Cornyn has been less like the Mafia and more like savvy and heartfelt customer service, and they sure have a lot to show for it. The more I have been reflecting on why JOHN has had so much success, I have kept coming back to the fact that this man was a judge—a Texas Supreme Court justice, to be exact. In a courtroom, the judge has the power, but their job isn't to wheedle or persuade. It is to listen fairly to all parties, all theories, and all ideas. Give everyone a hearing, take it all in, and then chart the best course possible.

How lucky we have all been to have somebody like that whipping votes for the last 6 years.

It is a privilege to see JOHN at work. It has been an honor to work in the trenches with him day after day these past 6 years. To be more accurate, it has been a pleasure to stand shoulder to shoulder with him here in the well.

We have had our fair share of quality time. At the end of any Congress, you would expect the majority leader and whip might have a small handful of close shaves and dramatic moments to reflect on, but JOHN has helped steer the ship with the slimmiest possible majorities. Week after week, 51 to 49, then 50 to 49, in many cases.

We have seen this play out in the confirmation of a historic number of well-qualified nominees to the Federal judiciary and in the passage of major legislation of delicate moving parts, from comprehensive tax reform to a landmark opioids package.

The truth is, even a comprehensive catalog of all the big floor votes would only capture a fraction of JOHN's excellent work. More key nominees and important pieces of legislation have traveled quietly through the Senate because JOHN has been there, diligent and patient and respectful, working through challenges and addressing concerns, literally, around the clock.

As if this wasn't enough to fill JOHN's plate, let's remember, while serving as whip, he has also been a vital member of the Intelligence Committee, Judiciary Committee, and the Finance Committee, and he has been an outstanding senior Senator for Texas all at the same time.

In fact, in each of the past two Congresses, no Senator has been the lead sponsor of more bills that have become law than JOHN CORNYN. He led on Fix NICS. He led the fight against human trafficking—all in a couple of years' work.

Of course, he doesn't do it alone. JOHN has assembled a whip staff that are as much a testament to his eye for talent as they are a tremendous asset for the entire conference. At the helm of the operation as chief of staff in his whip office, Monica Popp.

In so many ways, JOHN and Monica seem to be cut from the same cloth. Like her boss, Monica has a sixth sense when it comes to reading a room and getting people what they need. She relishes the chance to tackle tough problems. As far as she is concerned, a troublesome situation is really just an opportunity. Just like JOHN, Monica is an attentive listener. This has made her an encyclopedic authority on what makes each Member of the conference tick. When Monica makes a recommendation, you know it is based on the best possible information, and on so many occasions, I have relied directly on her sharp counsel out here on the floor.

I am not sure I have ever worked with someone who had such a warm heart and ice in her veins at the very same time. She operates with calm and confidence precisely because she has built so many genuine and solid friendships that she knows just where things stand.

Outside observers get Congress wrong when they say, "It's all about the math." It is really all about the relationships. Ironically enough, this

former math teacher turned all-star Hill staffer is just about the ultimate living proof of that.

We may not be losing Senator CORNYN this month, but I am sorry to say we are saying goodbye to Monica. I will miss her, and I know the entire conference will miss her.

It is all about relationships with JOHN too. Even as he was constantly tasked with walking a tightrope through a pressure cooker, he has also managed to be one of the kindest, most down-to-earth human beings around. In no place is this more evident than the way he treats the unelected members of this Senate family. He gets to know everyone. He wants to earn your trust. He wants to know how you are doing.

After all, before he was the Senate's majority whip or a justice on the Texas Supreme Court or the State's attorney general, he was a husband and father. I know his wife, Sandy, and their family are hoping the end of JOHN's service as whip will bring at least a nominal relaxing of his schedule. I doubt that, by the way.

Ordinarily, I might guess that JOHN might be able to spend more time on his hobbies, but somehow—as his prolific Twitter and Instagram pages regularly notify the whole world—he has kept right at them all along.

For all the different hats JOHN wears in the Senate, he has managed to hang on to his chef's cap too—marching through the "Rasika" cookbook and whipping up feasts for the family. The dove hunts certainly haven't gone anywhere either.

So, really, whatever his title happens to say, what I am looking forward to from JOHN is more of the same—more invaluable guidance, more exemplary legislating. I know the press corps is certainly hoping for more of his informative one-liners.

Like I said, I am so happy we aren't saying goodbye to JOHN today. What I am saying—with complete personal sincerity, and also for the entire conference—is thank you. Thank you for your friendship, partnership, and thank you for making all of us look better than any of us deserve. Thank you for helping the Senate deliver for the country. Thank you for always having all of our backs.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the ranking member, that I be recognized.

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

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

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

CHILD PROTECTION
IMPROVEMENTS ACT OF 2017

Mr. McCONNELL. Mr. President, I understand that the Senate has received a message from the House to accompany H.R. 695.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. I ask that the Chair lay before the Senate the message to accompany H.R. 695.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 695) entitled "An Act to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes." and be it further

Resolved, That the House agree to the amendment of the Senate to the text of the aforementioned bill, with an amendment to Senate amendment.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to refer the message of the House on the bill to the Committee on the Appropriations, with instructions, McConnell Amendment No. 1922, to change the enactment date.

McConnell Amendment No. 1923 (to the instructions) Amendment No. 1922), of a perfecting nature.

McConnell Amendment No. 1924 (to Amendment No. 1923), of a perfecting nature.

MOTION TO CONCUR WITH AN AMENDMENT NO.
4163

Mr. McCONNELL. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 695, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] moves to concur in the House amendment to the Senate amendment, with an amendment numbered 4163.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted:

**DIVISION A—FURTHER ADDITIONAL
CONTINUING APPROPRIATIONS ACT, 2019**

SEC. 101. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting "February 8, 2019"; and

(2) by adding after section 136 the following:

"SEC. 137. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final seques-

tration report for fiscal year 2019 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2019 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date specified in section 105(3), and for the Office of Management and Budget, 15 days after the date specified in section 105(3).

"SEC. 138. The authority provided under title XXI of the Homeland Security Act of 2002 (6 U.S.C. 621 et seq.), as amended by section 2(a) of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113-254), shall continue in effect through the date specified in section 105(3).

"SEC. 139. Section 319L(e)(1)(A) of the Public Health Service Act (42 U.S.C. 247d-7e(e)(1)(A)) shall continue in effect through the date specified in section 105(3) of this Act.

"SEC. 140. Section 405(a) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d-6a note) shall continue in effect through the date specified in section 105(3) of this Act."

This division may be cited as the "Further Additional Continuing Appropriations Act, 2019".

DIVISION B—MEDICAID EXTENDERS

SEC. 101. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) GENERAL FUNDING.—Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(F) subject to paragraph (3), \$112,000,000 for fiscal year 2019.";

(2) in paragraph (2)—

(A) by striking "Amounts made" and inserting "Subject to paragraph (3), amounts made"; and

(B) by striking "September 30, 2016" and inserting "September 30, 2021"; and

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

"(3) SPECIAL RULE FOR FY 2019.—Funds appropriated under paragraph (1)(F) shall be made available for grants to States only if such States have an approved MFP demonstration project under this section as of December 31, 2018."

(b) FUNDING FOR QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—Section 6071(f) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking paragraph (2) and inserting the following:

"(2) FUNDING.—From the amounts appropriated under subsection (h)(1)(F) for fiscal year 2019, \$500,000 shall be available to the Secretary for such fiscal year to carry out this subsection."

(c) TECHNICAL AMENDMENT.—Section 6071(b) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following:

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services."

SEC. 102. EXTENSION OF PROTECTION FOR MEDICAID RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

(a) IN GENERAL.—Section 2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note) is amended by striking "the 5-year period that begins on January 1, 2014," and inserting "the period beginning on January 1, 2014, and ending on March 31, 2019,".

(b) RULE OF CONSTRUCTION.—

(1) PROTECTING STATE SPOUSAL INCOME AND ASSET DISREGARD FLEXIBILITY UNDER WAIVERS AND PLAN AMENDMENTS.—Nothing in section 2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note) or section 1924 of the Social Security Act (42 U.S.C. 1396r-5) shall be construed as prohibiting a State from disregarding an individual's spousal income and assets under a State waiver or plan amendment described in paragraph (2) for purposes of making determinations of eligibility for home and community-based services or home and community-based attendant services and supports under such waiver or plan amendment.

(2) STATE WAIVER OR PLAN AMENDMENT DESCRIBED.—A State waiver or plan amendment described in this paragraph is any of the following:

(A) A waiver or plan amendment to provide medical assistance for home and community-based services under a waiver or plan amendment under subsection (c), (d), or (i) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315).

(B) A plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual's spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r-5).

(C) A plan amendment to provide medical assistance for home and community-based attendant services and supports under section 1915(k) of such Act (42 U.S.C. 1396n(k)).

SEC. 103. REDUCTION IN FMAP AFTER 2020 FOR STATES WITHOUT ASSET VERIFICATION PROGRAM.

Section 1940 of the Social Security Act (42 U.S.C. 1396w) is amended by adding at the end the following new subsection:

"(k) REDUCTION IN FMAP AFTER 2020 FOR NON-COMPLIANT STATES.—

"(1) IN GENERAL.—With respect to a calendar quarter beginning on or after January 1, 2021, the Federal medical assistance percentage otherwise determined under section 1905(b) for a non-compliant State shall be reduced—

"(A) for calendar quarters in 2021 and 2022, by 0.12 percentage points;

"(B) for calendar quarters in 2023, by 0.25 percentage points;

"(C) for calendar quarters in 2024, by 0.35 percentage points; and

"(D) for calendar quarters in 2025 and each year thereafter, by 0.5 percentage points.

"(2) NON-COMPLIANT STATE DEFINED.—For purposes of this subsection, the term 'non-compliant State' means a State—

"(A) that is one of the 50 States or the District of Columbia;

"(B) with respect to which the Secretary has not approved a State plan amendment submitted under subsection (a)(2); and

"(C) that is not operating, on an ongoing basis, an asset verification program in accordance with this section."

SEC. 104. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w-1(b)(1)) is amended by striking "\$31,000,000" and inserting "\$6,000,000".

SEC. 105. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be

entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

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

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

(d) PAYGO ANNUAL REPORT.—For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the second session of the 115th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2019 and added to such scorecard in 2020.

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4164 TO AMENDMENT NO. 4163

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4164 to amendment No. 4163.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: to change the enactment date)

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

MOTION TO REFER WITH AN AMENDMENT NO. 4165

Mr. MCCONNELL. Mr. President, I move to refer the House message on H.R. 695 to the Committee on Appropriations with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message on H.R. 695 to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 4165.

The amendment is as follows:

(Purpose: to change the enactment date)

At the end add the following.

“This act shall be effective 2 days after enactment.”

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4166 TO AMENDMENT NO. 4165

Mr. MCCONNELL. I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4166 to the instructions on the motion to refer.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Of a perfecting nature)

Strike “2” and insert “3”

Mr. MCCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4167 TO AMENDMENT NO. 4166

Mr. MCCONNELL. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4167 to amendment No. 4166.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: Of a perfecting nature)

Strike “3 days” and insert “4 days”

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Mr. President, we have a short time left before appropriations expire on Friday. Yesterday, we made some progress.

Thankfully, President Trump appears to have backed down from his position for billions in direct appropriations for a border wall. For the past several weeks, the President’s insistence on \$5 billion for a wall has been the biggest obstacle to keeping the government open past Friday.

The President’s spokesperson has claimed that the administration can

build the full wall from reprogrammed funds given to other areas of the government. Let me be very clear. Without our assent, the administration cannot reprogram funds proposed by Congress for the full wall. To do so would violate Congress’s article I powers. They cannot do it on their own, and the House and Senate will not approve a wall from reprogrammed funds or anything else. It will not happen.

We Democrats have opposed massive appropriations for a border wall for five reasons. It is not effective compared to other border security measures. Expert after expert has said that. There is no plan to build it. The President asked for \$5 billion, but there are no plans of where the wall would be, how much it would cost, what each part would be made of. There is no plan to deal with eminent domain. There are lots of people on the Texas border and on other borders who don’t want to give up their land. They have said they will fight it in court. It will take years. We have not heard a peep out of the administration on how to deal with that. Above all, the President promised that Mexico would pay for it, not the American taxpayer. Was it a campaign issue? Yes. Yet, throughout, the President said Mexico would pay for it. He never campaigned on having Americans pay for a massive border wall, ineffective as it would be.

The Democrats have been perfectly clear. We want smart, effective border security, but that is not a wall. The President and, just this morning, the Republican leader have suggested repeatedly that Democrats are against all border security. Of course, we are not. Every expert has looked at that and said it is a total lie. Frankly, the reason our colleagues, the President, Leader MCCONNELL, and others do it is that they have no defense of the wall. Instead of defending the wall, they say the Democrats are not for border security. Nothing could be further from the truth, as shown by what we have supported in the past and today.

This morning, the President also tweeted that Mexico could somehow pay for the wall through a new trade deal. This is a huge turnaround for a President who once insisted: Mark my words. Mexico will pay for the wall 100 percent. Of course, there have been multiple fact checks to show a new NAFTA could not possibly fund the wall directly or indirectly. There is nothing in the new agreement that stipulates Mexico must devote any resources to the United States, and any savings from a trade deal, if there are any savings, don’t go to the Treasury; they go to American businesses and American taxpayers. Ultimately, the President would have to tax the American people to fund his wall. Mexico ain’t footing the bill.

All that said, it is good news that the President has retreated from his demand that Congress fund the wall. Now, we Democrats in the Senate and in the House have made two reasonable

offers that, I believe, would glide through the House and Senate: No. 1, pass the six bipartisan appropriations bills and a 1-year CR for DHS or, No. 2, pass a 1-year CR for all seven remaining appropriations bills.

Leader MCCONNELL proposed a short-term CR just a few minutes ago. We would have preferred one of our two options, but I am glad the leader thinks the government should not shut down over the President's demand for a wall, and the Democrats will support this CR. The President and the House should follow that lead because shutting down the government over Christmas is a terrible idea—one of the worst to come down the pike in a very long time.

FIRST STEP ACT

Mr. SCHUMER. Mr. President, on the CJR, criminal justice reform, I am really deeply heartfelt in thanking everyone who was involved in the criminal justice reform legislation.

I thank Senator DURBIN, for whom this issue was a year's-long passion. When Senator DURBIN gets his teeth into an issue, he does not let go until he achieves it, and he is great at getting it done. It was a real victory for him.

Senator BOOKER felt this issue so passionately from his residents in Newark and in seeing what had happened to friends of his and people he had known. He was a brilliant legislative tactician in knowing just how far to push and in getting the most he could from a Congress that was not from our side of the aisle.

Senator WHITEHOUSE carried the mantle of making sure that while people are in prison, they are given adequate preparation so when they come out, they don't become recidivists again—free from drugs, with job training—and so they can become useful and productive members of society.

Senator HARRIS also added her passion and experience as attorney general to the great arguments for this bill.

I don't want to leave out colleagues on the other side of the aisle. Senator GRASSLEY played a real role as a statesman. Senator LEE did tremendous work on this bill. Again, like with Senator BOOKER but from an opposite point of view, he knew when to hold and knew when to fold.

I thank all of them because this bill will make an extraordinary difference in countless lives by making our sentencing laws fairer and smarter, by giving judges more discretion so low-level, nonviolent drug offenses will not always be subject to arbitrary mandatory minimums; by giving prisoners with good behavior and who work hard to rehabilitate themselves better opportunities to prepare for their integration back into society as productive citizens who can contribute to their communities; and by ending the most abusive practices of our criminal justice system, like juvenile solitary con-

finement and the shackling of pregnant prisoners.

The bill got 87 votes. Those 87 votes are an entreaty to the new Congress to do more. It is called FIRST STEP for a lot of reasons, one being that many of us feel we have to go further and do more. Next year, hopefully, we can, and the resounding support from both sides of the aisle that this bill got should help us. It should importune us not to let this be the last proposal but the first in this area. The law will bring more justice to our justice system. I was proud to vote for it and so grateful for the work of my colleagues who pulled a diverse coalition together to get it across the line.

CHINA

Mr. SCHUMER. Mr. President, on China, negotiations are ongoing between the Trump administration and Chinese officials about a potential detente in our trading relationship. Of import to the Chinese is the recent arrest of Huawei's CFO on charges of violating U.S. sanctions law, which is only one area of concern when it comes to Huawei's technology.

Let me be very clear. The United States should not make any—any—concessions until and unless China makes credible and enforceable commitments to end all forms of theft and extortion of American intellectual property.

As Ambassador Lighthizer recently pointed out—and I cannot commend him enough for the good job he is doing—during the Obama administration alone, China made no fewer than 10 independent commitments to get rid of forced technology transfers and cyber theft policies.

As we know, China cyber espionage continues unabated. Just last week, it was confirmed that China was behind the data breach of Marriott hotels, and we know that they continue to require any company that sells things—and there are so many companies that sell things in China—to transfer their technology.

If we continue on this path that we have for the last 10 or 15 years, we will no longer be the leading economy in the world. All the great ideas Americans have because of our free and open and entrepreneurial system will be stolen, purloined, and China will dominate.

We are there for fair competition. China doesn't compete fairly. I have to say, neither the Bush nor the Obama administration stood up strongly to China. This administration shows signs of doing it.

My message to President Trump: Don't back off. Follow Mr. Lighthizer, not those in your administration, as reported, the Senate, Mr. Mnuchin, Mr. Ross, and others, who want to settle for next to nothing. That would be a disgrace.

President Trump has tried the conciliatory approach. He let ZTE off the

hook in hopes of gaining concessions from China on North Korea and got none. North Korea continues to expand its nuclear capabilities.

Mr. President, do not make the same mistake again by interfering in the case of Huawei's CFO. Mr. President, do not capitulate on U.S. trade policy without meaningful, ironclad commitments from China to end its predatory trade practices, its theft of our intellectual property, and until China allows U.S. companies to compete freely in its markets without technology transfer or other coercions. To do otherwise would put the future of this great Nation at great risk.

TRIBUTE TO BILL NELSON

Mr. SCHUMER. Finally, Mr. President, I have come here to speak about a dear friend and a wonderful colleague, the senior Senator from Florida, BILL NELSON.

A Floridian born and bred, BILL NELSON didn't grow up with a silver spoon in his mouth. Everything he has achieved in life, he achieved because he worked for it. Hard work is one of his credos.

In high school, BILL raised cattle in his spare time. That is not every teenager's idea of a good time, and that is something we never did in Brooklyn, but it led to a lifetime association with Florida's 4-H Program, which continues to support Florida's agricultural community today.

Just as important, BILL's extracurricular animal husbandry allowed him to save up the \$10,000 he needed to attend college at the University of Florida. Even then, public service was never far from this generous man's thoughts. He gave his first political speech as a candidate for junior high school president—a race he won. In college, he interned for Florida's Senator George Smathers, whose son Bruce happened to be his roommate.

That internship turned out to be the lesser contribution of BILL's friendship with Bruce because a few years after law school, Bruce would introduce Bill to Grace Cavert, who became Grace Nelson, the love of BILL's life.

For those of us who know BILL, we know he loves Grace more than anything in the world. They are truly a dream team. Just to watch them together, caring about each other so, brings joy to anyone's heart—certainly mine. Many of my colleagues, of course, know Grace as well and have worked closely with her, not the least reason being that she is the authority in that household today.

With Grace by his side, Senator NELSON embarked on what would be a distinguished career in public service in Florida as Congressman, tax commissioner, and eventually Senator. Of course, along the way, Senator NELSON would also earn the title of "payload specialist" abroad the Space Shuttle *Columbia*. As most folks know, then-Congressman Nelson, who was chair of

the House Science, Space, and Technology Committee, participated in a weeklong space flight on the Columbia. What most folks don't know, however, is that the launch for the mission was aborted not once, not twice, but three times. Eventually, though, the liftoff was achieved, and BILL became only the second sitting Member of Congress to leave Earth's atmosphere, where, in his words, he saw "the blue brilliance of the earth from the edge of the heavens."

There is a name given to the shift in perspective experienced by astronauts called the overview effect. Seeing the Earth from the window of a space shuttle—that pale-blue marble in the vast emptiness of space—makes you realize how fragile and also how beautiful our planet truly is. Senator NELSON experienced something of an overview effect, and although he already cared about the environment, he became a lifelong champion of environmental causes.

BILL NELSON protected and preserved the Everglades, Florida's beaches, and offshore waters by standing against offshore drilling. There is none in Florida, and I have to say that the reason is sitting right to my left—BILL NELSON. Time and again, when rapacious companies and others wanted to drill and risk the beauty of Florida's coastline and its economic vitality, there was BILL NELSON, like Horatio at the bridge, preventing it from happening. After the BP oilspill, BILL NELSON made sure Florida's gulf communities got the restitution they deserved from BP's settlement.

Senator NELSON has always been a loud voice speaking about the need for action on climate change, as his beloved State of Florida gets hit by ever more powerful storms and the low-lying areas, like Miami, get flooded regularly.

Of course, seeing the Earth from space didn't just focus BILL's eyes downward. This man is capable of doing many things at once. He kept them firmly fixed on the horizons as well. It will be a long time before the Senate sees a champion for NASA and space exploration like BILL NELSON. It may never see one as committed again.

The Senate, the State of Florida, and the country will miss BILL NELSON, as will Iris and I. He was even-tempered even in tempestuous times. He was always civil in the midst of such incivility. When so many of us are prone to looking backward, trying to figure out what we did wrong or what we could have done differently, BILL was always looking forward and upward.

I have had the pleasure not only of being BILL's colleague but being his friend. What a fine human being. One of my greatest regrets here is that some fine human beings are not going to be with us next time, and this Chamber and this country will show they are missed.

There is nothing BILL is now looking forward to more than spending time with his beloved Grace and visiting his children, Bill Junior and Nan Ellen.

Every one of us salutes the great senator Senator from Florida, everything he has accomplished in his distinguished career in the Senate, and just the great man that he is.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

UNANIMOUS CONSENT AGREEMENT

Mr. INHOFE. Mr. President, I ask unanimous consent that notwithstanding previous Senate action on the House message to accompany H.R. 695, today's motions and amendments remain in status quo and the earlier motion to concur and the motion to refer with instructions and amendments Nos. 1923 and 1924 be withdrawn.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report:

The senior assistant legislative clerk read the nomination of Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

Mr. INHOFE. Mr. President, I further ask unanimous consent to complete my remarks.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of my remarks, Senator PAUL be recognized for up to 15 minutes.

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

TRIBUTE TO JOHN CORNYN

Mr. INHOFE. Mr. President, I have a message to deliver this morning, but after sitting here and listening through and enjoying the comments that were made, I wanted to at least make one comment about the Senator from Texas.

In my real life, for a number of years, I was a builder and developer in South Texas. I know South Texas very well. I know the border well. That is why I have been down there so much and am so interested in, of course, the border wall, which we are going to have. But we have a wonderful friend and a person who has been a good friend. You would think he is dead, but he is not. He is very much alive, and he is back doing his full-time job.

I want to say that the time I spent with him down there in Texas long before he was even in the position he is in today—he has been a great hero down there not just to the people in Texas but people all over the country.

BORDER SECURITY

Mr. President, as far as the comments that were made by the minority leader from New York, it is easy to stand here and talk about this. Yes, I know the Democrats—they have all gotten together, and they don't want to have a wall, but they are going to have a wall. Walls work.

Look at the record of having walls. San Diego built their wall in 1992, and illegal traffic dropped 92 percent after that. Ninety-two percent. El Paso built their wall—I remember when that was built—in 1993, and illegal traffic dropped 72 percent. Tucson built their wall in 2000, and illegal traffic dropped 90 percent. Yuma, in Arizona, built theirs in 2005, and illegal traffic dropped. It has happened everywhere. Just look at Israel and the successes they have had and how many Israelis would be dead today if it weren't for the wall they have.

We are one of the few countries without a wall. We are going to have a wall, and it is going to be funded. So if anyone is listening to what is going on down here, just be assured that we are going to have our wall.

REMEMBERING GEORGE H.W. BUSH

Mr. President, I want to make one comment on something that happened 3 or 4 weeks ago, when we lost an American hero. Everyone talked about George H.W. Bush, and they talked about their experiences. The reason I wanted to wait a while before making any comments on that is because I have known George H.W. Bush for many, many years, before I was actually in politics. My wife Kay and I are praying for the entire Bush family as the Nation mourns and honors one of America's loyal sons.

George H.W. Bush was one of the only men I have ever known who could truly love someone into changing his mind. He loved God. He loved his family. He loved his country and served it tirelessly with passion.

Listen to all of the things he has done. He was a naval aviator, an Ambassador, Director of the CIA, President of the United States, and Vice President of the United States. He has done it all.

George H.W. Bush put service to his Nation and love for his family above all else. Kay and I have known the Bush family for a long time, dating back to their time in the Texas oil fields. He would go back and forth to what he referred to as his second home, which is Tulsa, OK. We were friends before we were in politics, and I am grateful for that friendship. I will always remember that friendship.

This portrays him very well. Back when I was mayor of Tulsa and George Bush was Vice President, he came to Tulsa, OK, to do a fundraising event. It

was a fundraising event. My wife, in spite of her reputation to the contrary, is a pretty shy person. At these events, she always insists, if we are going to be at the head table, that she be seated next to me at that table. She is not insecure or any of that stuff, but nonetheless this is something she got in her head a long time ago, and she has always wanted that.

So on this occasion—this is when George Bush came to Tulsa, OK, to participate in a fundraiser—she snuck up there and looked at the table and the name tags and looked at me and said: You can't do that. You are not seated next to me. I have to be seated next to you.

I said: Who are you seated next to? She said: George Bush.

Well, apparently, one of the security guys or someone went back and told George Bush about that. So he came up behind her—I will always remember—and he put his arm around her and said: I don't bite. He said further: I will take care of you; don't worry about a thing.

Now, during her conversation up there—she conceded, of course, to sit next to George Bush—he said: You don't happen to know someone named Marian Bovard, do you?

And she said: Well, of course, she is a good friend.

He said: I haven't seen her in a long time.

Kay said: Well, she is sitting right over there. You can see her from here.

So he sent one of his Secret Service people over there to bring Marian Bovard, an old friend, to visit.

It turned out that my wife and George H.W. Bush found out that they both had many mutual friends. Every time he would bring someone up, it happened that that person was there. So he would come over and remind her. She became George Bush's social director, I think, for the remainder of the fundraiser. I think she even ate his broccoli for him.

Now, before I got to Congress, I was a builder and developer in South Texas for many years. Of course, Bush was from Texas. We knew each other at that time. He came to see me a few times when I was working down there, and, somehow, it always happened to be on days when I was fishing, because I fish every day down there. That is one of the many hobbies I have, and I enjoy doing that.

One day he said to me, after he was President: You know, I envy you.

This is kind of strange to have the President of the United States say: I envy you. The reason he said that is because he always enjoyed fishing, and he knows I have a whole bunch of kids and grandkids who all like to fish, and he doesn't. So he envies me.

There is a fishing guide, who my old chief of staff, Richard Soudriette—who, incidentally, is one who is very similar to George Bush in that I have never heard him be mad at anyone or dislike anyone or talk in a profane way about anyone, and that is the same as we

have heard so many people say about George Bush. So Richard Soudriette, who also likes to go fishing with me, knew this fishing guide. Not many people are aware of this. Bush had this fishing guide here in Washington, who would sneak in early in the morning, and they would go fishing. His name was Angus. He went to the White House early one morning to go fishing with the President. He was there so early that the Secret Service escorted him up to the residence where he had coffee with the Bushes, who were still in their pajamas.

This is a good story. You should read the whole thing. It was in the Washington Post, and it is on my website.

But President Bush was restless and sometimes impatient, which are not usually characteristics that make a really good fisherman. But because he was steady and dedicated to the task at hand, he did OK, and he even got a few fish, they told me, on that day.

When he was running for President, he came to Tulsa for a fundraising function at the Mayo Hotel. He knew everyone in Tulsa. We did the normal routine we always do. We greeted supporters, gave remarks, and then opened it up for questions. I will never forget this. Ellen McGuire, who is a person who is kind of a party regular in the Republican Party, stood up and said: Are you part of the international communist conspiracy?

George Bush didn't even blink. He looked over at the organizer and said: Where do you find these nuts? Next question.

When he was Vice President, he and Barbara came to Tulsa another time, and I went with a group who was in charge of picking them up at the airport. I was mayor at that time. So we had a guy on my staff named Charlie Burris, also a security guy. So we thought he would be the perfect person to pick up Barbara and George Bush and take them into town.

So we get there, and Charlie goes and picks up the luggage and hands it to the person behind him, thinking it was me, and said: Take this to the hotel.

He turned around and saw that instead of it being me, it was Barbara Bush. She looked a little stunned, but she took the bags and took them and off she went. The cars that came to pick him up were the cars we always used when we had somebody coming to Tulsa. Why invest in limousines down there? They were funeral home limousines. Vice President Bush took one look at them, looked in the back, which I think still had a wreath that said "Rest in Peace" on it, and said: You must have a cheap mayor. Well, that mayor was me. I told him I preferred the word "frugal."

George Bush knew Oklahoma better than any President in history. Before that date, he was even telling reporters that he wanted this to be his turf, his State. He frequently called Tulsa, OK, his second home. Bush regularly held up Oklahoma as an example of "points

of light," a State that knew how to use public-private partnerships to do all of the right things and thrive and be successful.

These are just a few stories about a man who strived to make every man, every woman, every child whom he met feel valuable in his eyes.

George Bush saw life as a series of missions, and he completed those missions with fervor and grace. He never wasted a minute, and for that, I am grateful.

As the Nation continues to mourn one of her most loyal sons, let us find solace in the fact that he is holding hands, reunited with Barbara again.

President Bush, you are a true American hero. Mission complete. God bless you.

One more thing, today, December 19, Kay and I are celebrating our 59th wedding anniversary. I just want to say: Kay, I still love you.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Kentucky.

DRONE ATTACKS

Mr. PAUL. Do drone attacks work? Well, you might say: Of course they work; they kill their intended target.

But do drone attacks really work? Do drone killings make us safer? Do drone killings bring victory nearer? Do drone killings kill more terrorists than they create? I think these are valid questions and questions that should be debated and discussed.

There are those who have been involved in the drone killings who actually believe that they aren't helping our country. This is a letter from four American servicemen in the Air Force to President Obama from a year or two ago. It reads:

We are former Air Force servicemembers who have been involved in the drone program. We joined the Air Force to protect American lives and to protect our Constitution. We came to the realization, though, that innocent civilians we were killing only fueled the feelings of hatred that ignited terrorism in groups like ISIS, while also serving as a fundamental recruitment tool.

This administration—

then, referring to the Obama administration—

and its predecessors have built a drone program that is one of the most devastating driving forces for terrorism and destabilization around the world.

The question is this: Do drone killings actually kill more terrorists than they create?

As the brothers, sisters, and cousins from the village gather around the mangled bodies, do they say, "Oh, well, I guess we are now going to put down our arms and make peace," or are they excited, are they engendered, are they somehow motivated to become suicide bombers themselves?

Do the drone killings simply steal their resolve? Do the drone killings cause surviving members to strap on suicide vests? Is there a limit? Is there an end to how many we will kill with drones?

The power to kill anyone, anywhere, anytime is an ominous power. I think most of the people involved in the program, including President Obama, had motives to kill our enemies, to kill those who they thought might come someday and kill us, but the program has become so extensive, and it has extended across so many different countries that there is concern, No. 1, about the civilians—the women and children who are being killed in these strikes as collateral damage—but there is also some concern about whether or not that kind of ominous power—the power to kill anyone, anywhere, anytime in the entire world—is so ominous that there should be checks and balances.

In our country, no one is killed without not only checks and balances but without the due process of the law. People say: Well, you can't have due process in far-flung battlefields around the world. Shouldn't we at least consider, though, whether or not there should be checks and balances and whether or not one person can make the decision to kill? I think this is something that should be debated, discussed, and we should have oversight from Congress.

You will recall that in Obama's administration, the drone attacks really hit a new peak. You will recall that he made his decisions on whom to approve the killing of on "Terrorism Tuesdays." There were reports that flash cards were used in the discussion of who was to be killed.

There were also reports that John Brennan had complete authority to kill on his own in certain places. John Brennan also responded and said, when asked about the drone program, that there are no geographical limitations to where we can kill.

That is a little bit worrisome, particularly since Congress has never authorized war in the seven different countries where President Obama utilized drones and where drones continue to be used.

People say: Well, this isn't really war, or this has something to do with 9/11.

This has nothing to do with 9/11. None of these people had anything to do with 9/11.

People say: There are associated forces.

That is not in the 9/11 authorization. Congress voted after 9/11 and said: You can go after those who organized, aided, abetted; those who helped to plan; those who helped the attackers of 9/11. It didn't say you could go after any far-flung religious radical or ideologue throughout the world and kill them, but that is what we do. It is an ominous power to kill anyone, anywhere, anytime.

I had this debate with the Obama administration, and I asked them directly: Can you kill an American with a drone?

Interestingly, they hesitated to answer that question. They finally did say: We are not going to kill an Amer-

ican not involved in combat in the United States with a drone. It took 13 hours to get that answer from them.

There are questions about what happens to an American accused and put on the kill list. Can we kill an American overseas?

Often the killings aren't people marching around with muskets. They aren't people marching around shooting each other in a war, where it is like you have a war zone and you are dropping a bomb on the other side of a war. These are often people sitting in a hut somewhere, eating dinner. These are often people whom we kill where we find them. We often don't know the names of those who are killed, and we often have no idea in the end who is killed in these attacks.

Sometimes we do it just simply because it looks like a bunch of bad people all lined up. So we have what we call "signature strikes," where we just kill people whose cars are lined up whom we presume to be bad people.

I think their motives are well intended, but sometimes we end up killing the wrong people. We killed about 12 people in Yemen in 2013 for which we paid \$1 million, saying: Whoops, we got the wrong people. It is an ominous power that should have more oversight and more checks and balances.

One of the statements that particularly bothered me was when the former head of the NSA, Michael Hayden, said: Well, we kill people based on metadata.

That is an alarming statement to me. Metadata is whom you call and how long you talk to them. We remember they said that it was no big deal. Your metadata is not that private. You should just give it up. And for a while they were vacuuming up everyone's metadata—whom you call and how long you talk.

It turns out that they are so competent in metadata that they are actually making kills based on metadata. That is what Hayden said.

So we have before us a nominee for the National Counterterrorism Center who has some involvement with developing these kill lists. So we asked him that question. I said: Do we kill people based on metadata?

The nonanswer was very interesting. He said: Well, I can't tell you because I am not in government.

Well, my guess is he has been in government, and he has been in the military. So he probably knows the answer, but he is saying that he will not tell the answer because he is not in government.

So we said to ask the people who are in government: Do we kill people based on metadata?

Do you know what every one of them said? None of my business.

I was elected to the U.S. Senate to represent an entire State, and the people in the administration had the audacity to say: If you want to know that, why don't you join the Intelligence Committee?

See, a democratic republic is where all elected officials have oversight, not

only a select few—often, a select few who actually are always in agreement with more power for the Intelligence Committee and become a rubberstamp simply for more power. Those of us who are skeptical of power, those of us who think we need to have more oversight are typically not on those committees. But the question is whether we should allow a select few to be the overseers. Often, these overseers aren't a check and a balance. These overseers are people who simply say: We want to be consulted.

When the President comes to you or the CIA comes to you and says "We are going to kill this person; oh, you have been consulted—often consulted after the fact, but you have been consulted," that, to me, is not a check and a balance. That is being a rubberstamp for the policy.

The question has come up time and again, and the media looks and says: Oh, my goodness, this is a conspiracy theory, the deep state. There actually is a deep state, and the deep state has been around for decades and decades. In fact, the Church commission in the 1970s was set up to investigate the deep state.

Who was the deep state in those days? It was Hoover. Hoover was using the enormous power of the intelligence agencies to investigate people he didn't like—civil rights leaders and protesters of the Vietnam war—so he illegally used this power of intelligence gathering to spy on Americans.

Americans were rightly upset. The Church commission tried to rein in the intelligence communities. But the interesting thing is, in those days, the power to do intelligence was some guy sneaking into your house and placing a little magnet on your phone. It is not done that way now. They can scoop up every phone call in America like that. They can scoop up every international phone call, every phone call to a country. We can listen to what anybody is saying anywhere around the globe any time we want, and then we can kill anyone anytime, anywhere in the world. These are ominous powers and deserve more oversight. So when people refer to the deep state, that is what we are talking about—more oversight.

What happens now is there are eight people in Congress who are consulted about intelligence, consulted about targeted killings—eight people. But they are not given a check and a balance. They are consulted. They are told often after the fact. So, really, there are no checks and balances. This is an enormous, ominous power, and it is not checked. Those eight people are the leader of the Senate, the minority leader of the Senate, and the chairman and ranking member of the Intelligence Committee. It is the same on the House side. So eight people know anything.

You say: Well, this certainly can't be true. Certainly, they must brief all of you.

Do you remember when they were collecting all of your phone data and

storing it in Utah? Everybody's phone data, every phone call you were making, was being stored in Utah.

One of the authors of the PATRIOT Act who had been involved in and had actually been supportive of this said that he was unaware of it and said that he didn't believe the legislation that wrote the PATRIOT Act actually authorized that.

There is not enough check and balance. There is not enough oversight. We have seen it recently with the killing of the Washington Post journalist and dissident, Khashoggi. The CIA concluded, according to media reports, with high probability that the Crown Prince of Saudi Arabia—with a high degree of probability—was responsible for the killing. Was everybody told that? No, the public was not told that. Most of Congress, most of the Senate—I was not told that because the briefings are only for a select few.

What happens is you get imperfect and not very good oversight; the checks and balances are not working because the only people being told about what the intelligence community is doing are the people who are rubberstamps for what they are doing. The skeptics, those who believe there is too much power, are not being told.

My point in bringing that up with this nominee today is not the individual being nominated but that the deep state has circled its wagons, and they are preventing me from finding out: Do we kill people around the world based on metadata? It is a very simple question, it is a very specific question, and they are refusing to answer it.

So I have been holding this nominee and will vote against the nominee because I believe that the deep state needs more oversight. I believe that we shouldn't kill anyone, anywhere, anytime around the world without some checks and balances.

I also believe that our drone program, our targeted killing, actually makes the country less safe and makes us more at risk for terrorism. I think we should reevaluate this. We have had a top 20 kill list for 20 years. We just keep replenishing it with more and more and more. It is a never-ending top 20 list. I think we should reevaluate it. I think we should talk about, is there a way we can declare victory?

I am proud of the President today to hear that he is declaring victory in Syria. Most of the voices around here like to stay everywhere for all time, and they believe that it doesn't work unless you go somewhere and stay forever. The President has the courage to say that we won in Syria, and we are coming home—the first President in my lifetime really to do that. That is why President Trump is different, and that is why I think President Trump is one we should all look to for some changes and for some reform of the deep state.

I yield back my time.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

Mitch McConnell, Jerry Moran, Mike Crapo, Steve Daines, Richard Burr, James E. Risch, Thom Tillis, John Thune, Roger F. Wicker, John Hoeven, David Perdue, Pat Roberts, John Barasso, Mike Rounds, Lamar Alexander, John Boozman, John Cornyn.

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

The question is, Is it the sense of the Senate that debate on the nomination of Joseph Maguire, of Florida, to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Montana (Mr. BLUNT) and the Senator from Wisconsin (Mr. JOHNSON).

Mr. DURBIN. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other SENATORS in the Chamber desiring to vote?

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 272 Ex.]

YEAS—95

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

NAYS—1

Paul

NOT VOTING—4

Blunt
Johnson

Warner
Whitehouse

The PRESIDING OFFICER. On this vote the yeas are 95, the nays are 1.

The motion is agreed to.

The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the remarks of the senior Senator from Texas, all postcloture time be considered expired and the Senate vote on the Maguire nomination; that if confirmed, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, just for the information of our colleagues, I expect the Maguire nomination to go by voice vote.

The PRESIDING OFFICER. The majority whip.

LEADERSHIP CHANGE

Mr. CORNYN. Mr. President, today I rise to speak for the last time on the Senate floor as majority whip. With the swearing in of our colleagues in January, will come the changing of the guard in our elected leadership in which I have been proud to serve since 2006.

As we all know, the whip is also known as the assistant majority leader, and I have been proud to assist our majority leader in all we have worked on together to accomplish in the Senate. I often tell people that "whip" sounds a lot more coercive than it really is because in the Senate, you can't really make somebody do something they don't want to do.

I understand the term comes from the old country. It referred to the person in fox hunting who was responsible for keeping the dogs from straying during the chase—something I have never done and, no doubt, will never do.

One of the fathers of modern conservatism, Edmund Burke, in the middle of a contentious debate in the British House of Commons, used the term as far back as 1769. When he used it, he was talking about enforcing discipline, not as a way to punish disobedience but as a way to stay focused on your goal. I think that meaning still holds because the overarching goal of anyone who serves in this position is to keep the team together.

The first Republican whip was James Wadsworth, elected in 1915. He served in the Spanish-American War. He opposed Prohibition, and he was chairman of what was then known as the Committee on Military Affairs.

In more recent times, the whips have been great Senators and friends, such as Don Nickles, Trent Lott, JON KYL, and of course, the current majority

leader, MITCH MCCONNELL. All of these men have provided good examples and sound counsel to me at one time or another.

What we have tried to do together is to build consensus, to make progress, little by little, for the American people, to seek to inform and gently persuade. Mainly, you listen, and then, one by one, you address your colleagues' concerns. Then it is the job of the whip to count the votes, as the Senate leader passes or defeats legislation, and provide advice and consent on nominees.

It is the job of the whip operation to keep its finger on the pulse of the conference, to help the leader find a way to get from point A, a bill introduced, to point B, getting it to the floor, and then to point C, when the bill passes and becomes law. That road can be awfully bumpy at times. Sometimes, it is just like riding a roller coaster.

As with any job, there are parts of the job you love more and those parts you love less. There has been a lot of handshaking after big victories, such as the Criminal Justice Reform bill we passed with a huge bipartisan majority last night, and then there is the headshaking after disappointments.

It is true that occasionally in this job you come up short, but you learn from your mistakes, you course correct, and that failure can help you succeed later on down the road. That is what happened to us in tax reform. We learned from our disappointing outcome on healthcare and applied it to our next major objective. With tax reform, we laid the groundwork by going through the Finance Committee—regular order. We helped inform. We corrected misinformation, and we responded to feedback. We incorporated input from all Senators who wanted to be constructive and get to yes, and the final bill changed a lot along the way.

Another victory I can think of is the passage of the Comprehensive Addiction and Recovery Act in 2016, which I think helped lay the groundwork for what we were able to achieve this Congress with the passage of landmark opioid legislation.

Of course, there were a historic number of judges we were able to confirm during the first 2 years of the Trump administration, culminating in not one, but two outstanding additions to the U.S. Supreme Court: Justices Neil Gorsuch and Brett Kavanaugh.

But the biggest challenge we faced this last year was the nomination of now-Justice Kavanaugh—hands down. Never in my experience has there been a bill or a nomination for which every single vote mattered more, and never have I seen the dynamics change so rapidly. The trajectory of the nomination fluctuated day by day, hour by hour, and sometimes it seemed minute by minute. As new press reports or rumors circulated, the whip operation worked overtime to make sure our colleagues had the most up-to-date information and knew what was and what

was not accurate. To refute one rumor or accusation, my whip staff even had to find copies of 30-year-old high school yearbooks and go to the Library of Congress to research drinking games. I know it sounds silly, but sometimes truth is stranger than fiction. The research our whip staff put together made the difference for some of our colleagues in the homestretch.

Eventually, as we now know, after a lot of hard work and long hours by an awful lot of people, Judge Kavanaugh was confirmed. But near-death experiences can make life all that much more sweet. So the difficulties we faced together on the Kavanaugh nomination made his eventual confirmation all the more satisfying.

Other highlights—the things I will remember the most and am most proud of—include the landmark bill we passed to combat human trafficking. The Justice for Victims of Human Trafficking Act—after 4 weeks on the Senate floor, thanks to Leader MCCONNELL and his perseverance, that bill ultimately passed 99 to 0, and we should be very proud of that.

Following the horrific shooting at Sutherland Springs, TX, I introduced legislation to strengthen the gaps in the background check system for purchasing firearms. Those gaps had allowed a crazed shooter to cruelly take innocent lives one Sunday morning at a small Baptist Church outside of San Antonio.

After we came together in a bipartisan way to pass this bill, I returned to Sutherland Springs. Being with those families, the community, and Pastor Frank Pomeroy—he and his wife lost their daughter—and letting them know we not only shared in their grieving but we had acted together to save lives by preventing future tragedies was one of the most gratifying moments I have experienced in the Senate. We couldn't wipe away their tears, but we could show the families that their loss had not been in vain.

We have done a lot of other things that—while they didn't make the front-page news—will greatly impact the lives of Texans and all Americans. We helped America become the energy powerhouse we knew it could be—creating jobs along the way—by facilitating liquefied natural gas exports, and we ended the export ban on crude oil all together. These will have geopolitical consequences that will benefit the entire planet.

We passed big bills, like the farm bill, and smaller but impactful bills, like occupational licensing reform, and legislation that improved trade between Mexico and Canada.

Then came Hurricane Harvey, the most extreme rain event in our Nation's history. It hit the Texas gulf coast, and then after recovery was undertaken, we had the monumental task of putting together significant disaster relief for Texas as part of a larger disaster relief package that benefited many parts of the Nation.

Our job still isn't over, but by linking arms together, the Texas delegation, which we call "Team Texas," worked with Governor Abbott and other State and local leaders to get them what was needed from the Federal Government so that people could begin to put their lives back together.

As whip, one of the best parts of my job was getting to know my colleagues better. I learned to listen to them more carefully. I learned that each of them has personal goals, political needs, regional interests, and philosophical principles that influence their decision making.

We share a lot in common, but each of us is unique in mostly fascinating but sometimes infuriating ways. Even when you can't convince someone your position is the right one, you always can learn from that interaction, and that is valuable information that can be used on the next tough vote.

I also learned a lot about the Senate as an institution. What makes this institution so interesting are the men and women who work here. We have doctors, business men and women, and farmers. Heaven knows, we have more than enough lawyers. We have spouses, parents, grandparents, great-grandparents. We come from different political parties and different parts of the country, but we share a common goal: to do right for the people we are privileged to represent and to make our country a little bit better than when we came.

We have very public arguments, but we also get a lot accomplished in quieter moments—over lunch, in the Senate well, in the cloakroom, or sometimes in the Senate gym. During those moments, what shines through is my overwhelming impression of the intelligence, the seriousness of purpose, and the goodwill of the people who work here. That instills in me confidence that despite the swirling controversies that seem to engulf us, the Senate, as an institution, is strong. It is durable and will continue long after we are gone.

The late great Bob Bullock, who served for many years as our State's Lieutenant Governor, participating in Texas politics for most or about half of the 20th century, used to say that there are two types of politicians: those who want to be someone and those who want to do something. I will say that in my experience, most people I interact with here are of the latter persuasion. They want to do something good for the American people.

I want to express my best wishes to my friend, Senator THUNE, the senior Senator from South Dakota, who is taking over the whip job in January. I have every confidence in his ability to do the job, but I also confessed to him it is not all sunshine and lollipops. There will be long days and tough votes. We have all heard the expression that being the whip is like trying to keep the bullfrogs in the wheelbarrow; as soon as you get one in, another one jumps out.

But I look forward to continuing to help Senator THUNE, the next whip, and the conference and the Senate in any way I can. He has my telephone number.

Of course, when you are whip—like any job—you rely on your team members. I couldn't have gotten through these 6 years without a lot of help. First and foremost, I owe a tremendous amount of gratitude to my mentor and friend, Leader MCCONNELL. There is no one in the country who has done more to advance the conservative cause in recent times than Senator MCCONNELL—no one. Robert Caro called LBJ the Master of the Senate. I would like to nominate another one: MITCH MCCONNELL.

Under MITCH's leadership in the last 2 years alone, we have bolstered our Nation's economy, fixed our Tax Code, and achieved real regulatory reform. We have transformed our Judiciary, improved veterans' healthcare, and addressed critical public health needs like the opioid crisis. And that doesn't even begin to scratch the surface.

We have certainly had our fair share of nail-biters—I seem to remember a certain debt ceiling vote, for example—and those accomplishments I mentioned were not easy, given the slim margins. But with Senator MCCONNELL's leadership and more than a few prayers along the way, we did it together. I am proud of our record, and I am grateful for his trust and confidence.

Of course, we couldn't have been successful without a strong and reliable team of deputy whips led by Senator MIKE CRAPO. I leaned on my deputy whip team regularly, and time and again, they delivered. So to Senators BLUNT, CAPITO, CRAPO, FISCHER, GARDNER, LANKFORD, PORTMAN, SCOTT, TILLIS, and YOUNG, thank you.

I also want to thank my whip staff, both current and former. This includes John Chapuis, Sam Beaver, Noah McCullough, Jody Hernandez, Emily Kirlin, Jonny Slemrod, and my first chief of staff, Russ Thomasson.

What has been so amazing to me is how seamlessly my whip staff also worked with my Texas official staff as well. We all worked, literally, as one team. I thank all of my Texas staff for their contributions to our successes.

We all rely on our staffs around here a great deal, and that is doubly true of my entire staff over the last 6 years. I have come to think of the whip operation as really an intelligence operation. These outstanding men and women have been my eyes and ears. They are all incredibly smart. They are devoted and hard-working.

I say to all of them: Thank you for everything you have done to serve the conference and the Senate as a whole.

As whip, you are provided with a security detail comprised of Capitol Police officers. These men and women are extraordinary professionals who have become like family. Their work often takes them away from their own fami-

lies and friends as they travel around the country and sometimes miss holidays and special occasions. They, like all of the Capitol Police, keep the people who work here and visit here safe. We all appreciate what they do for us each and every day.

Finally, I want to say a few words about my chief of staff, Monica Popp, who is the chief of staff of my whip office.

Monica is often the first person and the last person on my staff I talk to each day. If Beth Jafari, who is my chief of staff in my Texas office, is the glue that keeps our operation together and operating at maximum efficiency, Monica is the spark plug of the operation.

As impressive as her knowledge of the Senate is and of how the U.S. Government functions, that is not what sets her apart. She often, in her own gentle but determined way, has pressed me to make just one more call, to meet just one more time with a colleague, or to try just a little harder to nail down the winning votes. She is exactly the type of person you need to have in your corner, but it is her sunny disposition—her optimism—that is infectious. In addition to her extraordinary competence, that makes her indispensable.

Monica is known for cultivating and maintaining strong relationships not only in the Senate but in the House and in the executive branch. It is not just limited to my party; some of her closest colleagues work in the leadership offices of our Democratic colleagues. The big bipartisan achievements I mentioned earlier could not have happened without Monica and her ability to lead a team and work across the aisle. Part of the reason she is so effective is she wants to know everything. She even wants to know what Members have for breakfast because she knows how circumstances and small events can sometimes provide insight in unexpected ways.

Here is how our staff describes her:

"She is a problem solver."

"When you think you're stuck, she'll find creative ways to get a solution."

The most instructive, I think, is this: "You want to be around her just to learn."

I couldn't agree more.

To Monica, I say thank you. We couldn't have done it without you.

Even though I will no longer be serving as the majority whip, I am not going anywhere. Believe me—serving 28 million Texans here in the Senate is a big enough job for anyone. To borrow a phrase from a great American leader, our late President George Herbert Walker Bush—he said: I am a Texan and an American. What more can a man ask for?

Indeed, it is an honor and a privilege to represent the great people of Texas, and I believe my time as whip has only taught me to be a better representative of my fellow Texans. As an elected leader, I have learned that sometimes you have to do things nobody else

wants to do because they are controversial or they are risky, but I stand ready to continue to take risks and accept controversy in the pursuit of worthy causes.

I close simply by saying it has been a privilege to serve as the whip for Texas, for the Republican conference, and for the Senate.

Often, when I am introduced to audiences here and at home, the introducers will refer to me as the No. 2 person in the Senate. Occasionally, they will call me the second most powerful person in the Senate—obviously an exaggeration. Yet I have never been quite able to bring myself to correct them in public if only to save them the embarrassment. Let me just say I will now return to my previous life as the second most powerful person in my household and to my continued service to Texas and the world's greatest deliberative body.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. Under the previous order, the question occurs on the confirmation of the Maguire nomination.

The question is, Will the Senate advise and consent to the Maguire nomination?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from South Dakota.

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

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

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

The PRESIDING OFFICER. The Senator from Georgia.

SENATE ACCOMPLISHMENTS

Mr. ISAKSON. Mr. President, I rise for a couple of moments in morning business to pay tribute to the Senate and what we have done this past year. We think we are easing towards going home. We think we are easing towards finishing the year, and everybody is excited about that. We have talked about a lot of things we haven't done. Let's talk about what we have done, because I think this has been the most successful time I have had in Washington for 20 years.

As chairman of the Veterans' Affairs Committee, we have had the best success we have ever had for the most important people in the country we love—our military in the United States of

America. I want everybody to remember four things to take home that you have done to see to it that our men and women who fight for us and keep us safe get treated the way they should every day.

No. 1 is the VA MISSION Act.

After a number of years, when we started moving towards a way to get better appointments, better timing, and better results for our veterans, we finally came together with the VA MISSION Act. We saw to it that if a veteran needed health needs met, he got them when he needed them, not when it was convenient for him to get them. If the VA couldn't provide them, the private sector could. He could go to the private sector. We have done everything we can to expand accessibility to quality healthcare. Our vets are the most important assets we have.

The second is the accountability bill. For a lot of years, we saw on the front pages of the newspapers that the VA had done stupid things and that a lot of VA employees had done stupid things. The way they got corrected—the way they got punished—was to be transferred to another VA office. We finally passed a bill whereby if you don't do your job, if you hurt the people you are there to protect—meaning our vets—then you get fired. You have a 10-day appeal, and then you are through. You don't get paid forever. You don't get moved. You don't get switched around. We make sure you have pure accountability. Because of that, the VA is more responsive today than it has ever been.

With that, we had to put in whistleblower protection to allow our vets who find out something is going wrong but who are afraid to say something to have the protection that everybody has with whistleblower laws we have passed.

The third biggest problem we had and the No. 1 headache we have is seeing to it that veterans' benefits are timely and that they get a good appeal. The timeliness in approving veterans' applications for that had gone to as much as a year and a half to 2 years before they had gotten decisions. Now we have better accountability with the improved results we are seeing in giving our veterans their benefits and their approvals in a more timely way. I hope, before I leave the Senate, whenever that will be, we will get it down to almost zero. They don't get the luxury of waiting when they are on the battlefield. They have to pull and fight when they are confronted. So we need to make sure they get that benefit today.

Lastly and most importantly, as we have said, our veterans are our most important people. We now have the Agency focused in the right direction. We have a good Secretary in Secretary Wilkie. We have a good focus in what we are doing, and we have passed the types of acts that are necessary to get a bureaucracy to become a responsible organization. We have seen to it that the benefits we are supposed to protect

are not only protected but are delivered as well.

Thank you for the time I have been given to address the Senate. I hope all of us go home and remember that our most important people are our veterans. Also remember what each of you has done in passing these improvements—seeing to it that the GI bill is now permanent for everybody in that there are no more caps on their time; seeing to it that veterans in the Reserves and veterans on Active Duty are treated the same; and seeing to it that we have accountability and benefits for our veterans so no one is left behind and so the United States of America will continue to be the greatest country on the face of this Earth.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT REQUEST— H.R. 299

Mr. BLUMENTHAL. Mr. President, I thank my colleague and friend Senator ISAKSON, as well as the ranking member, Senator TESTER, for their leadership on the Veterans' Affairs Committee in this past session. I have been proud and honored to work with them, and I look forward to doing so in the next Congress on issues so important and challenging. We have a responsibility to meet the needs of our veterans.

In that spirit, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 299, the Blue Water Navy Vietnam Veterans Act of 2017, and that the Senate proceed to its immediate consideration; 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 with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, reserving the right to object, my apologies to those on the floor who wish to speak. We have spoken a couple of times about this on the floor. I want to do it one more time.

I appreciate the motion by the gentleman who had been my ranking member on the committee for 2 years before this current session of the Senate. The blue water Navy has been an issue that has been controversial. It has almost been passed a few times, and it has been defeated a number of times.

Our veterans, today, who served in Vietnam and who have ended up contracting cancer—non-Hodgkin's lymphoma and things like that—do not have the luxury of presumption of cause on their service in Vietnam unless they served on the land. If they served on the land in the battlefield, they get the benefit, but if they served at sea, where most of this napalm and all of the other agents were delivered—

on those ships—they don't have that benefit.

The VA bifurcated a benefit of healthcare to our veterans—many of whom contracted cancer and many of whom have died—and said: If you are on the land, you get it. If you are on the sea, we will not let you have it.

It is the wrong thing to do. No veteran who served on the land is more important or less important than the one who served at sea. We have a chance to do this, and we ought to do it. I am going to vote in favor of adopting the motion by the gentleman from Connecticut.

Let me just say one other thing. There is a letter floating around about the cost of this and about the cost estimates we had. We got a new cost estimate yesterday after our having spent years in the committee trying to get a better cost estimate. We got one yesterday that was higher than the day before. I don't know what its credibility is. I am not going to cast aspersions on the credibility of the CBS. Obviously, nothing should surpass a promise we have made for healthcare coverage to our veterans that they are not getting. That is what we owe to them, and I hope everybody will vote to support the blue water Navy benefit with regard to the motion by the Senator from Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I have great respect for my distinguished friends and colleagues, including my colleagues from Connecticut and from Georgia. I will also add that there is no doubt that all of us owe a great debt of gratitude to the brave men and women who fought and served in the Vietnam war. There is no question that they endured unspeakable hardships there and, of course, for many decades following their service.

For some, one of these hardships involved exposure to Agent Orange. This very potent chemical was widely used by the U.S. military during the Vietnam war as part of its herbicidal warfare program, and it has proven to have been something that has caused major health problems for the service men and women who were exposed to it. So Congress passed the Agent Orange Act of 1991 to provide health benefits for those servicemembers who were affected by it.

The act presumes the service connection for diseases caused by herbicides for Active military, naval, or air servicemembers when, and only when, there is scientific and medical evidence to support it.

In 2002, the VA removed the blue water Navy veterans from the presumption of exposure, as they had looked at the data repeatedly under multiple administrations and had not found evidence to grant the presumption.

The bill now under consideration would restore this presumption to the

blue water Navy veterans, but prudence demands that we wait until we have more complete information and evidence to make this presumption. In fact, previous studies have lumped all the branches of the services together into their analyses or they focused solely on the Army. In other words, they failed to differentiate between those who were Active on the ground and those who were serving on ships miles offshore.

Now we have a chance to get that precise data. The VA is currently undertaking a study, slotted to be released in the early months of 2019, that examines the myriad of health factors in Vietnam veterans and specifically includes a subsample of blue water Navy veterans.

It is only right and only reasonable that Congress should examine this study before making any presumption of a service connection for all blue water Navy veterans from this war. The brave men and women who have sacrificed so much for our country should undoubtedly get the medical care they need in connection with their service.

As Members of this body, it is also our duty to ensure it is done in a prudent and proper way, with all the relevant information available to us. Our veterans deserve no less, and it is for this reason that I have concerns with it.

I have received calls from Secretary Wilkie and from four previous VA Secretaries, all of whom have said consistently that the VA has been strapped with difficulties in recent years. We have to make sure the VA has the tools it needs to offer the services it needs to offer to our veterans. Doing something that would offset that, as these VA Secretaries have concluded, would be unwise. On that basis, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I greatly respect my colleague from Utah, and I thank our friend from Georgia for his positive remarks on this topic, but more than words are necessary; we need action. We need dollars and cents to brave Americans who undertook to serve this country, who risked their lives, and who have suffered for years and years from the severe health effects of their contact with Agent Orange and other toxins on the battlefield. They deserve the same benefits as their comrades who served on land. They served in the territorial waters. Year after year they have been denied simple justice—action that fulfills our obligation to them. I greatly respect the words, the rhetoric, the pledges, but asking them to wait denies them justice.

There is an adage we quote frequently: Justice delayed is justice denied. That maxim has particular force here because these veterans, very simply, are passing away. They will be denied the benefits they are owed by this

Nation. They will be deprived of the just compensation for injuries they received, like their fellow veterans who served boots on the ground on land, if they are not compensated for the injuries they received when they served in those territorial waters off Vietnam.

This measure has been brought to the floor before. Last week, I joined my colleagues Senators TESTER, GILLIBRAND, DAINES, and BROWN to demand that simple justice for blue water Navy veterans. Today I am joined by Senator BALDWIN of Wisconsin, my very distinguished colleague and friend, to whom I will yield shortly.

Our calls to unanimously pass H.R. 299 were blocked, and that is why we are back here again. In these closing hours of this session, we have the opportunity and obligation to do right by those veterans and to follow our words by our actions. Today the Senate has another chance, even in these last hours, to right a wrong.

Currently, the VA gives the benefit of the doubt to some veterans who have been exposed to toxic substances but not to others. Despite the fact that defoliants were indiscriminately used, only some of those veterans who were affected by them—those veterans suffering from cancer and skin disease and other aftereffects—are eligible for healthcare and benefits to address the health effects of their exposure.

Others, like Gerry Wright of Connecticut, are forced to shoulder the burden of proving they are suffering from this toxic exposure.

I ask my colleagues to reconsider their opposition. I ask them to think about the veterans of their own States who suffer from these kinds of diseases. I ask them to consider men and women like Eugene Clarke of Redding, CT. Because of his experience in Vietnam, he has spent most of his years fighting on behalf of veterans who served there and veterans who served in Korea in the 1960s. He has been a champion. His advocacy, backed by strong support from the Veterans of Foreign Wars, shine a light on these problems.

Today only veterans who were served on the Korean DMZ, from April 1968 through August 1971, are eligible for presumption, despite the fact that from 1966 through 1969, about 55,000 servicemembers were sent to Korea each year.

Mr. Clarke was instrumental in providing evidence that defoliants were sprayed during testing prior to 1968. His efforts have inspired me and my colleagues to introduce the Fairness for Korean DMZ Veterans Act. He is a veteran of that experience. He has fought for the Korean veterans, but he has also added his weight in support of the Vietnam veterans who served after he did.

Two years ago, I pledged to Mr. Clarke that I would fight as long and as hard as possible to make sure veterans who served in the Korean DMZ receive compensation and healthcare if they suffer from agent orange-linked illnesses. I am here today because of

him, because of Korean War veterans, and because of Korean veterans who served in the DMZ.

I ask my colleagues to reconsider their opposition. In the limited number of days left in the 115th Congress, we have this important opportunity. We have this tremendous opportunity for anybody who cares about not only the veterans of Vietnam but also their descendants by extending healthcare, vocational training and rehabilitation, as well as providing a monetary allowance to children suffering from the aftereffects through their parents.

I ask my colleagues to do the right thing.

I yield to my colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I rise today to ask the Senate to come together and do the right thing for our veterans by passing the blue water Navy legislation. I thank my colleague from Connecticut for his leadership, and I join him in appreciating the remarks of the Senator from Georgia in support of advancing this legislation in the final days of this session.

As a result of the VA changing its policy, Vietnam blue water Navy veterans have to meet higher burdens of proof to receive healthcare and disability benefits that they earned due to their exposure to Agent Orange.

I have heard from many veterans and their families from across Wisconsin asking that the Senate pass this bill because they don't have any more time to wait.

A veteran's family from Reedsburg, WI, wrote to me. They wrote:

Senator Baldwin, my brother-in-law did three tours off the coast of Vietnam on an ammunition ship. He has contracted brain cancer, lung cancer, diabetes and hearing loss. We have submitted a request for compensation for these ailments. All requests have been denied and we are still appealing. This House bill passed unanimously and now languishes in the Senate. My brother-in-law is in hospice with limited time remaining. Please pass this legislation.

I heard from a veteran from Stetsonville, WI. He said:

I served in the U.S. Navy and spent 1966 aboard the USS Intrepid as a gun fire controlman. I have been diagnosed with stage 4 non-Hodgkin's lymphoma and large hairy cell leukemia. The lymphoma is currently in remission, but the leukemia is untreatable.

On August 10, 2018, I had open-heart quintuple-bypass surgery as well. My children and grandchildren are suffering from my exposure to the dioxins found in Agent Orange which polluted the waters of the Tonkin Gulf. Please get the VA to do its job of caring for, treating, and recognizing the service-connected disability of the many Navy vets now suffering.

The money for this care was originally provided for, prior to 1991, when the VA arbitrarily disallowed the gulf sailors. It is time to correct this breach of promise to care for our veterans, and I am asking for your help in getting the Blue Water Navy bill passed in the Senate, as it was unanimously passed in the House.

I am disappointed that Senator BLUMENTHAL's request to pass this bill was just objected to by my colleague from Utah. Some of my colleagues on the other side of the aisle have argued that we can't afford the cost of this legislation, but I heard no such objections when those same colleagues voted for a very partisan tax bill that gave huge tax breaks to the largest corporations and added \$1.9 trillion to our Nation's debt. Now, when it comes to doing right by our Vietnam veterans who served this country and are now dying from their illnesses, we don't have the money to spend to help get them better or to help give their families a little more time with them. That is simply wrong.

How much is it costing blue water Navy veterans who are trying to beat cancer? How much is it costing their caregivers who quit their jobs in order to take care of them? We have a moral obligation to fix this, and we have the opportunity to get this done right now.

These veterans fought for us and are dying from their service-connected illnesses. It is past time to do the right thing and pass this bill. We need to do it now, and we should not leave town until it is done.

Thank you.

I yield back to Senator BLUMENTHAL. The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, in closing, I am grateful to my colleague from Wisconsin and my colleagues across the aisle. This measure was bipartisan. It was passed unanimously in the House of Representatives. It should be unanimous here. The money is not a problem. The money is there. The predictions about outlandish possible financial exposure are simply products of fantasy. I know my Republican colleagues almost unanimously on the other side of the aisle understand that simple fact. But even if the costs were higher than they are projected to be, we have an obligation to do the right thing. We have a moral duty to make sure we fulfill our promise.

I know the Presiding Officer has been a strong advocate for our veterans. I know my fellow members on the Veterans' Affairs Committee join me in this belief.

The costs of this program are the costs of war. They are the costs of keeping our troops on the DMZ in Korea. They are the costs of having sent them to Vietnam. They are the costs of sending our troops to Iraq and Afghanistan, and this measure would provide a study of the possible effects in terms of their health from those kinds of poisonous and toxic exposures. The modern battlefield is filled with toxins and poisons, and the injuries that result from them are the costs of war. We need to recognize that fact and refuse, absolutely reject the possibility that we will continue to delay even longer the justice these men and women deserve.

I can pledge to my colleagues that if we fail to do it this session, we will be back again next session. The costs to our conscience, if not to our budget, will rise in the meantime.

I am pleased to call on my very distinguished colleague and military veteran from Illinois, Senator DUCKWORTH.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I thank my colleague from Connecticut.

Right now, tens of thousands of American heroes are suffering and even dying while some folks in government are looking the other way, refusing to heed their calls for help. Our blue water veterans answered the call when their Nation needed them in the thick of the Vietnam war. They left their loved ones, boarded ships, fought the Viet Cong, and risked their lives hour after hour, day after day, in service to the country they love.

We made a promise to them: Fight for us overseas, and we will fight for you when you get back home. When you step back on U.S. soil, we will bandage the wounds you earned in combat, making sure you never feel you sacrificed in vain.

I am ashamed to say that promise has been broken. For decades now, our government has refused to give them the healthcare and disability benefits needed to treat diseases linked to Agent Orange exposure despite the fact that they serviced the very aircraft that sprayed and spread the chemical. Despite that they breathed in the air and brushed their teeth with water that was likely laced with the poison, they have not been given the healthcare they need.

Those same healthcare benefits have been extended to other troops who fought in the same war during the same years, but because these blue water veterans fought the enemy on the water rather than on Vietnam soil itself, our government won't lift a finger to stop their suffering. Tell me that is fair. Tell me that makes a shred of sense. Tell me that our Nation should abandon the heroes who risked their lives for the rest of us, that we should leave them to die from cancer or heart disease or the litany of other diseases we know this chemical causes.

Look, I have also gone to war, and just as those Americans lost their health, I was wounded for this country. But from the moment I woke up in Walter Reed, I knew that the VA would give me the care I needed to recover. These nearly 90 thousand veterans deserve the same. It is long past time we pass legislation ensuring that these heroes are not left in pain.

Unfortunately, legislation that would recognize their sacrifice suffered a setback last week, but with the time remaining in this Congress, we still have the chance to make those veterans whole, to do the right thing, the obvious thing, the American thing.

To every one of my fellow Senators, please, if we actually want to honor

their service, we can't just give them an ovation on Veterans Day; we need to take action to help them lead full, healthy lives every other day of the year too. Right now, that means joining me in working to pass the Blue Water Navy Veterans Act before even one more hero dies a preventable death on our watch. It is the right thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to close by thanking my colleagues, Senator DUCKWORTH and Senator BALDWIN, and say that I would like to end this session on a positive note. I am going to be proud to yield to one of my very good friends and one of our most distinguished colleagues, Senator SHELBY from Alabama, who has done such important work on appropriations and our budget. I thank him for it.

I hope that in the next session, this great body will see it in its heart, as well as mind and conscience, to do the right thing—not sometime in the next 2 years but in the first days and weeks so that these veterans have simple justice. I will champion it. I know colleagues on the other side of the aisle will join us, and we can get it done. We must.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

TRIBUTE TO SENATOR HATCH

Mr. SHELBY. Mr. President, I wish to start here this morning by thanking my good friend, Senator ORRIN HATCH, who happens to be in the Chamber, for his more than four decades of service in the U.S. Senate. We have served together in the Senate for 32 years; he was here before then.

I remember that Senator HATCH was first elected to the Senate in 1976 when I was still serving in the Alabama State Senate. This was his first run for public office but more to come.

Senator HATCH, as we know, is the longest serving Republican Senator in U.S. history. He is one of only two sitting U.S. Senators to have served during the Presidency of Gerald Ford. He is one of only two remaining Republican U.S. Senators who served during the Presidency of Jimmy Carter.

Senator HATCH, as we all know, serves currently as the President pro tempore of the U.S. Senate—one of the highest honors in the Senate. He has chaired three Senate class A committees during his tenure in the Senate, including the Finance Committee, of which he is currently the chairman. He has chaired with distinction the Judiciary Committee and the Committee on Health, Education, Labor and Pensions.

Some of his major accomplishments—these are just a few—include

passage of the historic progrowth, middle-class tax reform, the most significant tax reform in a generation. His accomplishments also include confirmation right here in the Senate of conservative judges to the Federal bench—hundreds and hundreds—including playing an instrumental role in the confirmation of Supreme Court Justices Antonin Scalia, Clarence Thomas, Samuel Alito, and Brett Kavanaugh, as well as, as I said, scores, if not hundreds, of district and circuit court judges.

One of Senator HATCH's particularly noteworthy achievements, among others, on the Judiciary Committee is the Religious Freedom Restoration Act of 1993, a bill he authored and cosponsored with the late Senator Ted Kennedy. It was landmark legislation allowing Americans to live, to work, and to worship in accordance with their beliefs.

Senator HATCH's reputation as a statesman and his record of fiscal responsibility even earned him the nickname "Mr. Balanced Budget" from President Reagan.

Senator HATCH is also widely known for his musical career and film appearances. He plays the violin, the piano, and the organ. Think of the talent this man has.

Senator HATCH and his wife, Elaine, have been married for more than 50 years. They have 6 children, 23 grandchildren, and many great-grandchildren. Think of a lifetime achievement, and he has, I believe, many years left.

He will be truly missed here in the Senate, and I wish him all the best in the next chapter of his life.

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.

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.

FIRST STEP ACT

Mr. GRASSLEY. Mr. President, today is a good day for representative government, it is a good day for the taxpayers, and it is a good day for safe streets and strong families. It is also a good day to emphasize that many times Congress acts in a bipartisan way, and probably not enough so we get credit for it. But last night, one of these bipartisan pieces of legislation passed by a vote of 87 to 12. That happened when the Senate adopted the FIRST STEP Act.

Today, the House is expected to send it to the President, who is waiting with a pen in hand to enact once-in-a-generation criminal justice reform. I am confident that the President is ready to do that because I attended the news

conference about 5 weeks ago when he endorsed this legislation.

The FIRST STEP Act will help keep our streets safe, and it offers a fresh start to those who put in the work when they were in prison to get right with the law while paying their debt to society. It also addresses unfairness in prison sentencing and revises policies that have led to overcrowded prisons and, of course, ballooning taxpayer expenses.

Several decades ago, Congress passed well-intentioned laws imposing harsh mandatory sentences to stop the flow of drugs into our communities, and it happened that I voted for those laws, but they have also had some unintended consequences. Our prison population has exploded, and the taxpayers' burden to house inmates has followed suit. Today, taxpayers pay more than \$7 billion a year on our Federal prison population; however, despite that high cost, nearly half the inmates released today are rearrested.

As a member of the Senate Judiciary Committee for the last 38 years, I consider myself—then and now—a law-and-order Republican. I am also a taxpayer watchdog, and I believe in the redemptive power of rehabilitation. So in 2015, I began to take a closer look at our prison and sentencing laws. We needed to make the system work better for the taxpayers, help law enforcement fight crime, and put a stopper in the revolving prison door. I was led to that effort by the efforts of Senator LEE and Senator DURBIN, who had been working on similar legislation for probably 3 to 4 years before my entry into this debate.

Several States across the country have developed these education, treatment, and training programs. The result has been a significant decline in recidivism. This means fewer crimes, fewer victims, and fewer tax dollars spent housing inmates.

The FIRST STEP Act is carefully crafted to provide opportunities at redemption for low-risk inmates, while ensuring that dangerous and career criminals stay behind bars. It does this through a multilayer system that filters out dangerous criminals and those likely to commit new crimes.

The bill rewards those who take personal responsibility for their mistakes and want to put in the time and effort to turn their lives around.

It improves fairness in sentencing while preserving important law enforcement tools.

It reduces some mandatory minimum sentences, but it also expands their application to include violent felons.

It grants judges additional discretion to sentence low-level, nonviolent offenders to less lengthy sentences as long as they fully cooperate with law enforcement. Finally, it eliminates the disparity in sentences for crack and powder cocaine offenses, which disproportionately impacts communities of color.

Passing these reforms has been a team effort years in the making. It

couldn't have been done without the stalwart commitment by a somewhat unlikely cadre of colleagues and advocates. We have had to compromise to make this possible, to seek to understand the other's points of view. In so doing, I think we made the bill better, and we accomplished something of historic significance that will reduce crime, make our system more just, and improve lives for generations to come.

Senators DURBIN and LEE, as I previously stated, were instrumental in this effort. Their interest in criminal justice reform dates back beyond my getting involved in it in 2014. The exact date, I don't know, but probably after Senators LEE and DURBIN joined hands, probably soon after Senator LEE came to the Senate. Their efforts inspired the Senate to take a fresh look at our sentencing and prison laws.

Senator GRAHAM, the incoming chairman of the Judiciary Committee, Senator CORNYN, and Senator WHITEHOUSE have also been with us since the very beginning of this effort.

Senators BOOKER and SCOTT both share a passion for criminal justice reform and have been vocal advocates, shining a light on the shortcomings and societal impact of our current system.

Credit is also due to our House colleagues—Chairman GOODLATTE, Ranking Member NADLER, and Congressmen COLLINS and JEFFRIES, who introduced the FIRST STEP Act in the House. And thanks to Speaker RYAN for his support and pledge to bring this to the House floor so quickly.

At every step along the way, we have stuck together. We pitched this bill to our colleagues and made changes based on their suggestions. We also relied on input and expertise from a variety of groups from across the political spectrum. In the end, this campaign earned the support of several top law enforcement and tough-on-crime champions, such as President Trump.

I think it is important to acknowledge the President's leadership on this issue. When he got involved, he closed the deal, and we got this done. He was helped in that effort by Jared Kushner. Early in President Trump's administration, I happened to be in the Oval Office of the new President. Jared Kushner was there, and we discussed taking up criminal justice reform. I just asked him if he was interested in it. I wanted to give him a phone call, so we had that phone call. He took the issue and ran with it and helped find a way forward to accomplish something previous administrations had tried and failed to do. Brooke Rollins and Ja'Ron Smith at the White House were also instrumental in this effort, working with Jared Kushner.

I would also like to thank the majority leader for staying true to his word and bringing this bill to the floor when we demonstrated the support for our effort that he demanded. In the end, I appreciated his vote for this bill.

Thanks also is due to the Senate floor staff on both sides of the aisle

who helped us successfully navigate the bill to final passage.

I want to thank my Senate staff, who helped make this possible. Bipartisan compromise is not for the faint of heart, and they have stayed true to the commitment that Senator DURBIN and I made to each other to move forward step-by-step in complete agreement about the path we should take and the path we had to take.

I would like to thank my Judiciary Committee staff director, Kolan Davis. Kolan's steady hand and sound judgment improves everything he is involved in. I value his counsel today, just as I have for the last 33 years.

By my side today is Aaron Cummings, my chief Constitution counsel and crime counsel. He led the effort to negotiate this bipartisan deal in my office and worked hard to see it through and to organize a vast coalition of support. Of course, he also worked closely with other committee staff members in that direction.

I would also like to thank Brian Simonsen for his diligent work on this important bill.

Our Department of Justice detailees to the Judiciary Committee, Tom Sullivan and Erin Creegan, provided very good technical advice.

My sincere thanks also goes to my talented communications team—Taylor Foy, Judiciary Committee communications director, and George Hartmann, Judiciary Committee press secretary, as well as Michael Zona—for their dedication to this effort and their successful campaign to educate and persuade so many to support this bill.

I am also thankful for my personal office staff, led by my chief of staff, Jill Kozeny. Jill has been my trusted adviser for over 30 years. She is leaving my staff, and I will be sad to see her go. She has been an exceptional leader, solving problems that I didn't even know I had, and she has done it all with matchless grace and what I like to call Iowa nice.

I am also grateful to Jennifer Heins, who keeps me on track and provides sound strategic advice.

Their contributions and those of every staffer who was part of this effort have been invaluable.

I would like to thank Senator DURBIN's staff, particularly his chief counsel, Joe Zogby, and his counsel, Rachel Rossi. Working with my staff, the White House, and others, they must have helped us close the deal more than a dozen times. That is an example—maybe it is 10 times; maybe it is 20 times. But closing deals many times is what it takes to get to the bipartisanship that it took to get 87 votes on this bill. Of course, in the end, their dedication—and that includes creativity and every effort they could put forth—got the job done.

I want to give particular thanks to the law enforcement groups whose support and input were key to the bill's success, including the Fraternal Order of Police, the International Association

of Chiefs of Police, the National Organization of Black Law Enforcement Executives, the National District Attorneys Association, the Association of Prosecuting Attorneys, and Law Enforcement Leaders.

I am getting to the end. I would also like to thank the groups that made this effort possible. A diverse group and broad coalition of other groups, from the ACLU to the American Conservative Union, supported this bill. I can't list all the groups that offered their key support, but they include FreedomWorks, Justice Action Network, Americans for Tax Reform, Heritage Action, the Due Process Institute, Faith & Freedom Coalition, R Street, Right on Crime, Texas Public Policy Foundation, Prison Fellowship, and members of the Interfaith Criminal Justice Coalition.

To treat everybody fairly, I ask unanimous consent that a complete list of support be printed for the RECORD.

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

The Heritage Foundation; American Enterprise Institute; Right on Crime; Americans for Tax Reform; FreedomWorks; Independent Women's Forum; ALEC Action; Bridges to Life; Calvert Institute for Policy Research; American Conservative Union; Commonwealth Foundation; Faith and Freedom Coalition; The James Madison Institute; Florida Tax Watch; Pelican Institute; R Street Institute; Rio Grande Foundation; Texas Public Policy Foundation; Fraternal Order of Police.

International Association of Chiefs of Police; International Union of Police Association AFL-CIO; National District Attorney's Association; Sixty Sheriff's Letter—Led by Sheriff Hodgson of Bristol County, Maryland; National Organization of Black Law Enforcement Executives; Law Enforcement Leaders to Reduce Crime & Incarceration; Jackson County Sheriff's Department, Kansas; Rockingham County Sheriff's Department, North Carolina; Families Against Mandatory Minimums; Center for American Progress; Prison Fellowship; #cut50; Latinos for Tennessee; Bernice King; 2000 Faith Leaders Letter of Support; Brother Franklin Graham.

Pastor Paula White; Pastor Jentezen Franklin; Pastor Jack Graham; Alveda King; Pastor Darrell Scott; Rabbinical Alliance of America; Skvere Community; Young Israel; Satmar Community; Catholic Charities USA; The Kairos Group; Move the Earth Ministries; Aleph Institute; Christian Community Development Association; City Gate Network.

Council for Christian Colleges & Universities; National Association of Evangelicals; National Hispanic Christian Leadership Conference; Kingdom Mission Society; National Latino Evangelical Coalition; Louisiana Family Forum; Southern Baptist Ethics & Religious Liberty Commission; American Bus Association; American Clergy Network; American Correctional Association; American Jail Association; Association of Prosecuting Attorneys; Association of State Corrections Administrators; Baltimore Ravens; Bread for the World.

CAN-DO Foundation; Circle of Protection; Citygate Network; Douglass Leadership Institute; Due Process Institute; Evangelical Lutheran Church in America; Flikshop; Friends Committee on National Legislation;

Institute for Prison Ministries; International Community of Corrections Associations; Fairness, Dignity & Respect for Crime Victims & Survivors; Crime Survivors for Safety and Justice; Just Detention; Justice and Serious Mental Illness; Lifted from the Rut.

National Conference of State Legislatures; National Criminal Justice Association; National Governors Association; National Incarceration Association; Progressive National Baptist Convention; Returning Home; Samuel DeWitt Proctor Conference; Society of St. Vincent de Paul; Sojourners; The Episcopal Church; The Sentencing Project; U.S. Conference of Mayors; U.S. Conference of Catholic Bishops; Valor Village Foundation; Wesleyan Church.

US Chamber of Commerce; Business Roundtable; National Retail Federation; The Associated General Contractors of America; Associated Builders & Contractors; National Association of Homebuilders; National Electrical Contractors Association; Job Creators Network; National Restaurant Association; Asian American Hotel Owners Association; Small Business & Entrepreneurship Council; National Association of Broadcasters; Plumbing-Heating-Cooling Contractors Association; National Grocers Association; International Franchise Association; U.S. Black Chamber of Commerce.

Justice Action Network; (Alliance of Automobile Manufacturers; National Association of Home Builders; U.S. Chamber of Commerce; Arizona Free Enterprise Club; Connie Wilhelm, CEO, Home Builders Association of Central Arizona; Don Finkel, CEO, American OEM; Gene Barr, President & CEO, Pennsylvania Chamber of Business & Industry; Guy Ciarrocchi, President, Chester County Chamber; Kalamazoo Probation Enhancement Program; Kansas Chamber of Commerce; Kevin Schmidt, Executive Director, Ohio Cast Metals Association; Lincoln Trail Home Builders; Louisiana Association of Business and Industry; Matt Smith, President, Greater Pittsburgh Chamber of Commerce; Michigan Association for Community Corrections Advancement; Saginaw County Chamber of Commerce; National Football League; FOX; US Travel Association; Realtors; The GEO Group, Inc.; National Association of Manufacturers.

Mr. GRASSLEY. This was a combined effort, one on a scale not often seen in Washington these days. I am grateful for everyone's work to bring about these historic reforms. Together, we have taken steps to reduce crime and recidivism, to strengthen faith and fairness in the criminal justice system, and to signal to those willing to make amends that redemption is within their reach. Together, we have taken an important step to live up to the commitment we make every time we pledge allegiance to the flag of the United States: to provide liberty and justice for all.

I yield the floor.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The assistant Democratic leader.

Mr. DURBIN. Madam President, let me first say how grateful I am to Senator GRASSLEY for his friendship, No. 1., and his leadership, No. 2. It has been one of the highlights of my Senate experience to work with him on this bill. We trust one another. It reached a point where he said: I am not going to make a big decision unless you tell me it is all right, and I hope you will feel the same way when it comes to decisions affecting me. And I did, and it

paid off because we came to trust one another. We worked together to reach a point last night where we passed a bill which I think will be judged in a positive way in the history of our country.

I might add that Senator MIKE LEE of Utah was an early ally in this effort, but our team wasn't putting together a winning record until CHUCK GRASSLEY joined the squad—not only joined it but led it. Then we brought in CORY BOOKER, who was a valuable spokesperson and ally when it came to bringing groups together on the left and in the center to achieve this bill. Last night, the four of us celebrated a victory. But the victory was not ours; it was a victory for the American people and for those who want to make sure we have a just system when it comes to criminal law and prison terms that follow from those convicted.

For those three Senators who joined me, I can't thank you enough. I really hope we can get the band back together sometime for another issue. Maybe it is the second step. Whatever it is, I would like to continue to work with this group and expand it to those who would like to be part of our effort.

I think we showed something last night that most American people wouldn't believe: that a bipartisan group of Senators from across the political spectrum could tackle one of the toughest political issues of our day; assemble an array of support—left, right, and center—from Members of the Senate, as well as organizations devoted to law enforcement and civil rights; and at the end of it, have something we all felt was a fair product to send over to the House, which I hope will act on this very quickly.

I will say a few words about how we reached that point in a moment, but I want to take time now, as Senator GRASSLEY has, to honor the staff of my office, who have done such an exceptional job to bring us to this moment.

Joe Zogby. Joe has been my chief counsel for several years now. For 6 years, he has worked tirelessly to get this legislation through the Senate—and I mean tirelessly. He fielded calls to negotiate the provisions of this bill at the same time he was coaching his sons in baseball and trying to take care of his family responsibility. Joe was available every hour of the day and night.

A special word of thanks to his wife, Lamece Baligh, and their sons, James, Elias, and Luke. I want to apologize to them for taking their dad away so many times for lengthy conversations, but we would never have reached success last night without that input from their father and husband.

This win would not have happened without the dogged determination of Joe Zogby. He is a rabid Phillies fan, so he is always looking forward to the next season and the next victory. Last night, finally, we won the World Series and passed this bill on the floor of the Senate.

No matter what assignment I give to Joe Zogby, whether it is the most technical, difficult, and challenging immigration issues or coming up with a new system of criminal justice or improvements to our system criminal justice, he always rises to the occasion. I am truly blessed to have him as my chief counsel. I may get the headlines, but, believe me, Joe Zogby deserves the credit.

By his side was Rachel Rossi. Rachel is a detailee to our office. She comes from the public defender's office. She told me this morning that they had warned her ahead of time this was probably going to be a pretty lackluster and boring experience, and nothing serious was going to be considered or passed during the time she was a detailee. Well, quite the opposite was true. She was here to be an integral part of the construction of this legislation and its passage. She is leaving as detailee at the end of the year, and I am going to miss her. While she will be missed, she is leaving our office on the highest possible note.

Rachel, I wish you the best. You were an important part of the legislation that passed last night.

Stephanie Trifone is our office counsel. She is involved in every issue that goes through the Senate Judiciary Committee. She played a supporting role to ensure that the bill was properly written and fielded countless calls and emails to keep our Senate staff and other staff well informed. She has been a steady hand, and we needed her every step of the way.

The rest of my team has its own assignments. Some of them worked tangentially on this bill, but I really couldn't function without Dan Swanson. He takes another agenda in the Senate Judiciary Committee, primarily on the civil side, and there is none better. There are times when people who were so-called experts would visit my office and say: Where does this Swanson learn all of these issues in such detail?

Well, he is a pretty bright guy, and I am lucky to have him. His day in the hot seat will soon come when we face another issue.

Debu Gandhi is an associate counsel. He is relatively new compared to the others, but I like his style and his determination. I have never asked anything of him that he hasn't produced the very best quality project in a timely way.

Manpreet Kaur Teji is the legislative correspondent who has to field all of the mail when I get up and give speeches that either make people happy or angry. I thank her for her commitment to our office.

I want to say a word about my floor staff. Reema Dodin has been with me since she was an intern in my office in Chicago. She went on to graduate law school and came to join my staff and eventually became my floor director. I didn't realize how much she was studying Senate procedure, but she has real-

ly become a valuable asset, not just to my office but to the Senate when we consider the options under the Senate rules.

Having been parliamentarian in the Illinois State Senate for 10 or 12 years, I can tell you that those who work in the parliamentarian's office, as well as those in support staff who are interested in Senate procedure, are absolutely essential to the successful consideration of important bills. Reema is in a unique position of helping to maneuver and whip the bill on both the Democratic and Republican sides of the aisle. She certainly did her job last night with 87 votes in favor of our legislation.

MJ Kenny is by her side. He is the deputy floor director. He was always in the cloakroom and always on the floor to ensure the FIRST STEP Act had a fair shot of consideration and passage. MJ and Reema are an incredible floor team. I am lucky to have them, and I thank them both.

Corey Tellez is my legislative director. She ensured that all of the staff worked together to finalize the bill. She kept our office and other offices well informed every step of the way.

Emily Hampsten, my communications director, has been sending out messages from my office on a bipartisan basis from the beginning. She is always there with a smile and does professional work, and I thank her so much for her work.

Claire Reuschel is my director of scheduling. She controls my life more than anyone other than my wife. She sends me places when she thinks it is right, and she usually has good judgment in those decisions. She has navigated thousands of meetings and phone calls on this legislation and so many other things. To say that she is an important part of this process is a gross understatement.

Finally, Pat Souders is my chief of staff. He has been with me from the beginning. He started off in the House and now has assembled, I think, the best team on Capitol Hill. I thank him for not only finding these talented people but making sure that they get along with one another and that in their cooperation we can serve the people of Illinois first and the Nation in the most effective way. I couldn't do it without Pat Souders.

Let me say that this moment in history arrived because we had an idea that was due; it is an idea whose time was due. It was due for a number of reasons.

Thirty years ago, in the war on drugs, we were so frightened by crack cocaine that as a House Member, I ended up casting what I considered one of the worst votes in my career. I voted for the 100-to-1 crack to powder disparity in sentencing. It meant what it said: You would get 100 times the penalty for the same amount of crack cocaine as you would have in powder cocaine—the same narcotic, different form, dramatically different results.

We tried this in an effort to scare America straight, to let them know we were serious. We would get tough and use all of the political muscle we could find to stop the spread of crack cocaine. It was cheap. It was easily produced. It was deadly, especially to the fetus being carried by the addicted mother, and it scared us. I voted for that bill and have regretted it ever since.

I know what happened; it didn't work. You couldn't scare people straight. We ended up with more people addicted. The price of drugs on the street went down, and we started filling our prisons, primarily with African-American and Latinos inmates who were convicted under these crimes. We knew in our heart of hearts that like so many other laws, it was unfair. The majority—majority—of users of narcotics and dealers of narcotics are White. Seventy-five percent of those who are convicted and sent to prison for crimes related to drug dealing and use are African American and Latino.

This disparity on its face tells us that our system was fundamentally unfair and ineffective. I believe that is the reason we decided last night to stop trying to muscle our way through the drug war and start using our brains: What is it that will work, that will make certain those who are truly guilty pay a price and those who can be rehabilitated get that chance? It is as basic as that.

There is a second thing that has happened in America in recent years, and it is heartbreaking when you see the results. We are facing the worst drug epidemic in our history. For the first time in decades—maybe in modern memory—we are being told that life expectancy in the United States is going down. It is because of the opioid drug epidemic. Thousands of people are dying because of overdoses of opioids, heroin, and fentanyl.

The opioid epidemic has opened our eyes to something else. Narcotics and their problems are not confined to the inner city. They are not confined to people of color, and they are not confined to the poor. This opioid epidemic has touched every corner of America in every State. There is no suburb too wealthy, no town so small that it can avoid this opioid epidemic. What it has done, sadly, is educate all of us in what happens with addiction and what we need to do to fight it.

We now look at drug addiction not as a moral curse but, rather, as a disease that needs to be treated. That doesn't mean we should give up on prosecuting kingpins and doing everything we can to stop the flow of narcotics, but we have come to realize that just sticking someone in jail, if they lived long enough to reach that point in their lives, is no guarantee they are going to come out of jail without that addiction. We have to be thoughtful.

We also have to have rehabilitation that is available for people across the board, whether they are rich or poor.

That is something our opioid legislation of several weeks ago moves toward solving.

The other thing we have come to understand is, the cost of the current system is unsustainable. We cannot continue to fill our prisons at great expense and not put money into things that count in terms of protecting our communities. Arresting someone after the crime is, of course, part of a just society, but it doesn't stop that original crime from happening. We have to think about the crime prevention that makes our homes and neighborhoods and towns and cities safe all across America, and that was part of the calculation last night in this embarkation on a new approach.

Finally, I want to say that virtually every major issue that passes on the floor of the U.S. Senate—virtually every single one of them—has someone backing it, pushing for it with a personal passion on the issue. I feel—not personally but having visited so many prisons and worked with so many people who have served time in those prisons—that we need to have a more just system, a more effective system.

I want to give credit where it is due. Jared Kushner, President Trump's son-in-law, spoke to me about his feelings on prison reform the first time we ever met. I know it is personal to him, and I know it means a lot to him and his family. Because he cared and because he mobilized the conservative side of the political equation, we had an amazing vote last night with 87 Members of the Senate supporting the bill. All of the Democrats and then, on top of that, 39 of the Republicans were also supportive of the bill. I might add, Senator LINDSEY GRAHAM was absent. Now that he is back from Afghanistan, he told us he would have made it 88 if he were here.

I will close by saying thank you again to Senator GRASSLEY. Thanks to Aaron Cummings. I thanked him personally last night. He worked so closely with Joe Zogby and with Rachel Rossi during the course of this; they really became a team. I think it was one of the reasons we closed this deal and sent it to the House. It is, however, the first step. We have to start thinking about the second step, and we need the help of all of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank Senator DURBIN for his kind remarks—more importantly, for 3 years of working together on this legislation, and it is great that it paid off.

VICTIMS' RIGHTS AND CHILD PROTECTION

Mr. GRASSLEY. Madam President, I come to the floor to speak about the work of the Senate on victims' rights and child protection measures and also to highlight the work of Evelyn Fortier, staff member, who has carried

such a big burden in these areas of victims' rights and child protection.

During my tenure as chairman of the Senate Judiciary Committee, I have made it a top priority to champion bipartisan initiatives to enhance victims' rights and to protect our Nation's at-risk children. In the 115th Congress, as an example, I introduced and led the Senate in approving multiple bills to prevent crime, identify missing children, enhance services to crime victims, and reform our juvenile justice system.

I am proud of what we have achieved on the Judiciary Committee during this period of time, as we sent a half dozen of the measures I just described to the President's desk after both Chambers passed them, surprisingly, on a unanimous basis. For example, last October, we passed, and the President signed, the Elder Abuse Prevention and Prosecution Act. This measure, which I sponsored with Senator BLUMENTHAL, increases penalties for the fraudsters who target our senior citizens. It requires Federal agencies to collect more data on financial exploitation of the elderly, which is, of course, a terribly underreported crime. It also calls for specialized training of Federal investigators and prosecutors who handle these cases.

The second measure, which I introduced and the President signed last January, is Kevin and Avonte's Law. This new law is named in honor of two boys with autism who tragically died after wandering away from their caregiver. It calls for the Justice Department to award grants to equip school personnel, caregivers, and first responders with training to help identify missing persons with autism or Alzheimer's disease. It also permits grant funds to be used for technologies that advance the search for missing children with developmental disabilities.

This legislation is important because research suggests that at least one-third of the children with autism repeatedly wander away from safety. Since 2015, we have seen a doubling in the number of wandering-related deaths, according to SafeMinds, a non-profit organization that advocates for these children.

I thank Senators SCHUMER, TILLIS, and KLOBUCHAR for joining as cosponsors of Kevin and Avonte's Law.

Third, I introduced, and both Chambers this week cleared, legislation to extend the important victim services programs that the Trafficking Victim Protection Act established.

I led our Judiciary Committee in clearing this measure and a complementary bill introduced by Senator CORNYN. Our bills, which were cosponsored by Senators Feinstein and Klobuchar, soon will go to the President's desk for signatures.

Both measures will help us to combat modern human slavery which, unfortunately, is alive and well today in this country. It exists in the form of sex

and labor trafficking. Through deception, threats, or violence, the perpetrators of these crimes will do whatever it takes to turn a profit and are doing it at the victim's expense.

Fourth, I this year championed legislation to renew and extend the Missing Children's Assistance Act. This measure, which the President signed this fall, makes funds available over the next 5 years for the National Center for Missing and Exploited Children to continue to do its important work. The National Center partners with law enforcement and communities across the United States in the effort to identify and rescue missing and abused children.

The fifth measure I introduced in this Chamber with Senator WHITEHOUSE would renew and update the Juvenile Justice and Delinquency Prevention Act. That law has not been updated since 2002.

I introduced a measure on this subject for the first time in the 114th Congress. This year we concluded our negotiations with the House on a final version of this legislation, known as the Juvenile Justice Reform Act.

The measure we adopted last week, which is on its way to the President's desk for signature, reflects the oversight work that I carried out several years ago. This oversight, which was the subject of a 2015 Judiciary Committee hearing, revealed a flawed grant program but also one worth saving because of its potential benefits for our Nation's at-risk youth.

The reforms that we have adopted also help to ensure the fairer treatment of minors in detention through greater screening and treatment of mental illness and substance abuse. This new law also promotes an end to the shackling of girls who give birth in detention. It encourages greater separation of juveniles and adult offenders in detention, and ensures that detained youth can continue their education. It will give these young people who come into contact with the juvenile justice system a better chance of turning their lives around.

I should add that we included accountability provisions in virtually every grant funding measure reported by the Judiciary Committee during my 4 years as chairman. The inclusion of this language, which I authored several years ago in statutes authorizing Federal grant programs, will help to ensure that taxpayers' dollars are used wisely and, quite frankly, according to law.

I want, again, to thank my colleagues from the Judiciary Committee who joined me as cosponsors of these and other new laws in this area.

I also want to thank the nonprofit groups, such as the National Autism Association, the Elder Justice Coalition, and the Coalition for Juvenile Justice, as well as individual advocates, who include Bob Blancato, Stuart Spielman, Lisa Wiederlight, Marion Mattingly, and others who contributed

in a meaningful way to these laws, their developments, and passage.

Once again, I want to thank Evelyn Fortier of my staff for her hard work in these areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

JUSTICE FOR VICTIMS OF LYNCHING ACT OF 2018

Ms. HARRIS. Madam President, over 2 months ago, the Senate Judiciary Committee unanimously voted to advance the Justice for Victims of Lynching Act of 2018, which I introduced proudly with Senators BOOKER and SCOTT. This is a historic piece of legislation that would criminalize lynching, attempts to lynch, and conspiracy to lynch, for the first time in America's history.

Lynching is a part of the dark and despicable aspect of our country's history that followed slavery and outrageously continued unabated in our country. According to the Equal Justice Initiative, lynching was used as an instrument of terror and intimidation 4,084 times during the late 19th and 20th centuries. These lynchings were needless and horrendous acts of violence motivated by racism. We must acknowledge that fact, lest it be repeated.

Lynching is a crime committed against innocent people. These crimes should have been prosecuted. There were victims who should have received justice, but they did not.

With this bill we are finally able to change that and correct a burden on our history as a country. We finally have a chance to speak the truth about our past and make clear that these hateful acts should never happen again without serious, severe, and swift consequence and accountability.

From 1882 to 1986, the U.S. Congress failed to pass anti-lynching legislation when it had an opportunity 200 times. We now have an opportunity to pass this bill and to offer some long overdue justice and recognition to the victims of lynching and their families—recognition that these are crimes for which there should be severe consequence and accountability.

I now yield to my friend, the Senator from the great State of New Jersey, CORY BOOKER.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Thank you, Madam President.

I want to thank Senator HARRIS for her incredible partnership and leadership on this bill, and I want to thank Senator TIM SCOTT of South Carolina for his leadership and for the consistent examples of character and integrity they both have shown as my partners on this legislation in this body.

As my colleague has said, it has been a very long time coming. For over a century, Members of Congress have at-

tempted to pass some version of a bill that would recognize lynching for what it is—a biased, motivated act of terror.

Today, Senator HARRIS and I have requested that after a century—after 100 years and over 200 bills introduced in this body—we finally make lynching a Federal crime in the United States of America.

Thanks to the work of incredible people around this country—truth tellers such as Brian Stevenson and the Equal Justice Initiative—today, we have a more comprehensive understanding of just how widespread and purposefully lynching was used as a tool of racial terror and oppression in our history.

We know that the Equal Justice Initiative was able to document thousands of cases—over 4,000 documented cases of racially motivated lynchings between 1877 and 1950. During that time, lynchings were used to terrorize communities. They weren't only vicious acts of murder against individuals, but in many cases bodies were hung trying to drive fear into communities to make them submit to second-class citizenship and inconsistent justice.

The use of lynching as a larger part of terrorism is disturbing. It is a dark chapter of our past and part of our history. Its legacy doesn't just live in our history books. Despite activists and organizations that have dedicated themselves to studying and addressing the racial terror in our history, we have failed to correct for many of those past sins.

We know that the passage of this bill will not undo the damage, the terror, and the violence that have been done and the lives that were brutally taken in our past. We do know that the passage of this bill, even though it cannot reverse the irrevocable harm caused by lynching used as terrorist oppression, is a recognition of that dark past. We know that when wrongs are ignored they fester underneath the skin of the body politic, and we know that justice delayed is justice denied. Today, this is a moment of potential justice in this body, a reckoning to the victims of lynching that for too long have been denied.

I want to go back to a point in history in this body. The very first bill introduced by Congress to address the terror of lynching was by a man on the other side of the Capitol, Congressman George Henry White, in 1900. The year after it was introduced, in 1901, was the last year he would serve in Congress. That is because Congressman White was the very last Black Congressman of the group who had been elected to Congress during Reconstruction.

Congressman White's departure in 1901 would be the last time an African-American Black southerner would serve in Congress for over 70 years. Congressman White must have had an understanding of what was to come with the long dearth of time and the lack of diversity. He knew the terror of

Jim Crow laws and voter disenfranchisement that would stop the election of African-Americans.

In his last speech in this body on January 29, 1901, 1 year after he introduced the bill to criminalize lynching, he delivered a farewell address he called “The Negro’s Temporary Farewell to the American Congress.”

In that address to Congress over one century ago, he made the same request that Senator HARRIS and I are making right now—for the United States to officially criminalize lynching.

Congressman White said:

Mr. Chairman, permit me to digress for a few moments for the purpose of calling the attention of the House to a bill which I regard as important, introduced by me in the early part of the first session of this Congress.

[It was intended] to give the United States control and entire jurisdiction over all cases of lynching and death by mob violence.

During the last session of this Congress I took occasion to address myself in detail to this particular measure, but with all my efforts, the bill still sweetly sleeps in the room of the committee to which it was referred. The necessity of legislation along this line is daily being demonstrated. The arena of the lyncher no longer is confined to Southern climes, but is stretching its hydra head over all parts of the Union.

Referring to the terror of lynching, Congressman White knew that “the evil peculiar to America, yes, to the United States, must be met, somehow, some day . . .”

Well, now in this moment in America, we have a chance to make some day today. We have the opportunity to recognize the wrongs of our history, to honor the memories of those brutally killed, and to leave a legacy that future generations can look back on, knowing that after 200 attempts over the course of 100 years of trying, on this day in American history this body will do the right thing.

So I would recognize my colleague from California for the historic calling up of this piece of legislation.

The PRESIDING OFFICER. The Senator from California.

Ms. HARRIS. Madam President, I thank my friend Senator BOOKER. It is truly an honor to be on the floor of the Senate with my colleague and friend proposing this legislation.

Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3178 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3178) to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the measure.

Ms. HARRIS. I further ask unanimous consent that the substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 4168) in the nature of a substitute was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Ms. HARRIS. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3178), as amended, was passed, as follows:

S. 3178

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 “Justice for Victims of Lynching Act of 2018”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction.

(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.

(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

(5) Ninety-nine percent of all perpetrators of lynching escaped from punishment by State or local officials.

(6) Lynching prompted African Americans to form the National Association for the Advancement of Colored People (referred to in this section as the “NAACP”) and prompted members of B’nai B’rith to found the Anti-Defamation League.

(7) Mr. Walter White, as a member of the NAACP and later as the executive secretary of the NAACP from 1931 to 1955, meticulously investigated lynchings in the United States and worked tirelessly to end segregation and racialized terror.

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.

(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.

(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.

(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.

(12) The publication of “Without Sanctuary: Lynching Photography in America” helped bring greater awareness and proper recognition of the victims of lynching.

(13) Only by coming to terms with history can the United States effectively champion human rights abroad.

(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.

(15) Having concluded that a reckoning with our own history is the only way the country can effectively champion human

rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Montgomery, Alabama, on April 26, 2018, is the Nation’s first memorial dedicated to the legacy of enslaved Black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate’s apology and the heightened awareness and education about the Nation’s legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal crime.

(18) Further, it is the sense of Congress that criminal action by a group increases the likelihood that the criminal object of that group will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Therefore, it is appropriate to specify criminal penalties for the crime of lynching, or any attempt or conspiracy to commit lynching.

(19) The United States Senate agreed to unanimously Senate Resolution 118, 115th Congress, on April 5, 2017, “[c]ondemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States” and taking notice specifically of Federal Bureau of Investigation statistics demonstrating that “among single-bias hate crime incidents in the United States, 59.2 percent of victims were targeted due to racial, ethnic, or ancestral bias, and among those victims, 52.2 percent were victims of crimes motivated by the offenders’ anti-Black or anti-African American bias”.

(20) On September 14, 2017, President Donald J. Trump signed into law Senate Joint Resolution 49 (Public Law 115-58; 131 Stat. 1149), wherein Congress “condemn[ed] the racist violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia” and “urg[ed] the President and his administration to speak out against hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy; and use all resources available to the President and the President’s Cabinet to address the growing prevalence of those hate groups in the United States”.

(21) Senate Joint Resolution 49 (Public Law 115-58; 131 Stat. 1149) specifically took notice of “hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis [who] chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville” and that these groups “reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups”.

SEC. 3. LYNCHING.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 250. Lynching

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL

ORIGIN.—If 2 or more persons willfully cause bodily injury to any other person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) each shall be imprisoned not more than 10 years, fined in accordance with this title, or both, if bodily injury results from the offense; or

“(B) each shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense or if the offense includes kidnapping or aggravated sexual abuse.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—If 2 or more persons, in any circumstance described in subparagraph (B), willfully cause bodily injury to any other person because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) each shall be imprisoned not more than 10 years, fined in accordance with this title, or both, if bodily injury results from the offense; or

“(ii) each shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense or if the offense includes kidnapping or aggravated sexual abuse.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a phone, the internet, the mail, or any other channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a phone, the internet, the mail, or any other channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct;

“(II) otherwise affects interstate or foreign commerce; or

“(III) occurs within the special maritime or territorial jurisdiction of the United States.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

“(b) ATTEMPT.—Whoever attempts to commit any offense under this section—

“(1) shall be imprisoned for not more than 10 years, fined in accordance with this title, or both; or

“(2) if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

“(c) CONSPIRACY.—If 2 or more persons conspire to commit any offense under this section, and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

“(d) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

“250. Lynching.”.

Ms. HARRIS. 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.

Ms. HARRIS. Madam President, I want to thank our colleagues for this incredibly important act of bipartisanship in the U.S. Congress.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Madam President, my friend, the Senator from Oregon, just came over. This is a very meaningful moment for this body.

There was a speech by a man that I revere. His picture hangs in my office. His name is Martin Luther King. For many people who endured the pain and agony of our past, with lynchings that went on up to the 1970s in this country, and for those people who yearned for justice they would never experience, for those people who know the pain, agony, and hurt in their family's history and the trauma that is still felt by many people today, who remember lynching in this country that was so pervasive—Dr. King once spoke to those people who were hurting and seeking justice, and he asked at the end of his speech:

How long? Not long, because “the truth crushed to the earth will rise again.”

He asked:

How long? Not long, because “no lie can live forever.”

He asked:

How long? Not long, because the arc of the moral universe is long, but it bends toward justice.

This has been a long arc, a painful history and shameful history in this body—that at the height of lynchings

across this country affecting thousands of people, this body did not act to make it a Federal crime. At least now, the U.S. Senate has acted—100 Senators, no objections.

I just want to give gratitude to this body for what we have just done. Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I praise my colleagues from the Atlantic coast of New Jersey and Pacific coast of California for today putting our entire Senate on record and on a pathway to recognizing the deep darkness of this national scar on our justice system and on our psyche.

Work well done today in the U.S. Senate. Thank you.

IMMIGRATION POLICY

Mr. MERKLEY. Madam President, I rise to address a current-day scar, a wound in America—a wound in terms of how we are treating children arriving on our borders and seeking asylum.

George Washington said America is a nation open “to receive not only the opulent and respectable stranger, but the oppressed and persecuted of all nations and religions.”

This sense of the vision of America was repeated 100 years later through Emma Lazarus's poem that is carved into the foundation of the Statue of Liberty. Phrases of that poem include: “Give me your tired, your poor, your huddled masses yearning to breathe free. . . . Send these, the homeless, tempest-tossed to me.” but that spirit is lost right now in the USA.

We are a nation almost universally of immigrants, and yet we are treating those children fleeing persecution as if they are criminals when they arrive at our borders.

I went down this last weekend with Senator MAZIE HIRONO of Hawaii and Senator TINA SMITH of Minnesota, with Representative JUDY CHU of California and Representative BETO O'ROURKE of Texas. Four of us visited two family internment camps—one in Dilley and one in Karnes—and all five of us went to the Tornillo child prison in the desert in Texas outside El Paso.

This war against children—this Trump war against children—was most dramatically demonstrated back in May and June when the U.S. Government implemented a “zero tolerance” policy that, in fact, said, if you assert your international rights and come to the border of the United States, we will treat you as a criminal. We will lock you up. We will rip your children out of your arms, and who knows if you will ever see them again.

I went down June 3 of this year to shine a light on this and find out what was really going on. I saw children in cages. I tried to enter a facility—a former Walmart—that I was told had hundreds of kids locked up in it. I was denied entry because of the administration's desires to keep the effects of

their child separation policy secret. There was an outcry from people across America saying the United States does not do this. We do not inflict trauma on children as a direct and deliberate strategy of sending a message to the world that we do not want you, if you are fleeing persecution, to come to our shores. We do not deliberately inflict trauma on children.

In addition to the public outcry, there was court action. The administration agreed and said: OK. We will stop doing child separation. We will quit ripping children out of their parents' arms, but the President said, if we can't rip children out of their parents' arms, instead, we will lock them up. We will lock them up with their parents—still treating them as criminals as they await asylum here. In fact, the bill to that effect passed the House of Representatives, and 35 Senators in this Chamber signed on to this bill to expand this system of family internment camps at the request of the administration.

I came to this floor. I pointed out the long and shameful history of family internment camps in America, and I proposed a different vision. I put forward a bill entitled the No Family Internment Camps in America Act. I noted it would be a fierce fight if those who want to proceed with internment camps attempted to do so. This body dropped that effort—stopped that effort. That is good, but the administration is still determined to pursue this, and they have been moving funds to people to expand family internment camps in places like Karnes and Dilley. So we went there to look at these family internment camps—one with fathers and sons; one with mothers and daughters.

You know, the right thing to do as families await asylum hearings is for them to get that hearing on a timely basis of 6 to 12 months and have them under a Family Case Management Program of not locking them up in prison. Locking up children in prisons does deep, traumatic damage to these children, so we must continue to fight this internment camps strategy.

The four Members of Congress who were there at Dilley met with a woman. She and her daughter have been locked up in Dilley going on 6 months. Yesterday was the daughter's 15th birthday. The Quinceanera is a big celebration—if you come from a Latin American tradition—of a young girl becoming a young woman. We asked the camp: Are you going to recognize this girl's birthday, this very significant 15th birthday, this quinceanera?

No, we can't do anything special to recognize one child.

We said: Well, why not have a policy of recognizing each child on his or her birthday, so you are doing the same for everyone?

They said: No, too much trouble. We will have a monthly gathering and list the names of those who had birthdays that month. That will suffice.

It is a symbol of the dehumanization with which we are treating people

locked up—families we are locking up who have fled persecution and are awaiting an asylum hearing.

That young woman is suffering significantly. We met with her mother. Her mother told us she is not sleeping well, she is not eating well, and she was really depressed over the fact that this very significant day would go unrecognized. We should never be locking up children for long periods of time.

There is an agreement—a settlement—that said children will not be locked up for more than 20 days. It is called the Flores settlement. It was a settlement that came out of the fact that we recognized that locking up children hurts them, traumatizes them, that it should never happen, and it shouldn't happen for more than 20 days.

Well, it is happening more than 20 days and not just with the mother and her daughter who are locked up there. They fled persecution by a drug gang—a gang that was extorting the family to make payments from their beauty supply business or beauty parlor. When she couldn't pay, the gang came to her house and assaulted her daughter. She told us they fled the next day.

We need to improve the programs with which we are trying to help stabilize those countries and help decrease the power of those drug gangs, but, certainly, when those fleeing persecution come here to our shores, let's treat them with respect and dignity.

This is a birthday card that several dozen Members signed yesterday that we are sending to this young woman locked up. The card says: "Feliz Quinceanera." It is signed inside by dozens of Senators. It says: From your friends in the Senate of the United States. We want her to know—we want every child who is locked up in these child prisons under the Trump war on children to know that we are working to end this war.

We went on to Tornillo—the child prison that was initially established to be an emergency shelter for 1 month for 450 children. It has now been extended 3 times, and it has been expanded to hold not 450 children but 3,800 children.

At this moment, they cranked up the number of people there to 2,700, and they are purposely keeping this as a "temporary shelter" so they can bypass all the laws related to incarcerating children; they can bypass the requirements for education; they can bypass the Flores 20-day standard.

I asked: How many children are here over 20 days of these 2,700, a couple of dozen?

The director said: No, more than 2,000 of the 2,700 children here are over the 20 days. Then we were told that 1,300 of those children already have a sponsor. They already have the sponsors who have filled out all the paperwork and have done their fingerprints and everything. They could be released immediately, if the administration would complete the paperwork.

He told us that 1,300 children could be in homes and schools and parks in 5 to 7 days from now if the administration would complete the paperwork. We proceeded to hold a press conference, and we said this is unacceptable that the paperwork is not being completed and these children are being locked up here.

We held this on Saturday. We said this Tornillo prison camp should be shut down. This is not the spirit of the USA and certainly is not being used as a temporary shelter for 1 month.

I have good news to report because yesterday the administration said they are changing the rules. They expect to release several thousand children within the next few days—that is the right thing to do—and we may shut down Tornillo.

So let's keep the attention of America on this. Let's keep the spotlight on it. Let's not let this war on children continue with our money, on our territory, under our government, deliberately inflicting trauma on children. It must end.

The Family Case Management Program, which was an alternative to locking people up, had a report from the Department of Homeland Security inspector general who said 99 percent of people show up for their check-ins and there was 100 percent attendance at court hearings. There was a closeout report for the program because the administration shut it down, and the closeout report called the program a success. It said 99.3 percent attendance for court proceedings overall, 99 percent compliance with monitoring requirements, including check-ins, and it costs \$38 a day compared to many hundreds of dollars for internment camps or prison camps.

Let's restart a program that made sense—a program that worked. We have seen this series of attacks on children—child separation, family internment camps, child prison camps. Let's put America back on track and treat children coming to this country fleeing persecution with respect and dignity as they await their asylum hearings.

Thank you.

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

GOVERNMENT FUNDING

Mr. BLUNT. Mr. President, we come to the end of what I think has been a very productive conference.

I am not happy, as most of us aren't, with an ending that doesn't allow us to get all of the principal work of the Congress done, which is to decide how we are going to fund the government, how we are going to spend money. We did—this year for the first time in a long time—get 75 percent of that job done before the beginning of the fiscal year. There is nowhere else in America where that would be a bragging point, but we hadn't done that in 20 years, and so it is a pretty significant accomplishment.

What we need to figure out is what we did and how we can replicate that in

the future. We have to get to this work. We have to have the kind of floor debates we had this year. We don't need to let it drag into the end of the year as too many of the bills did this time.

The worst possible thing to do, in my view, in terms of funding the government, is to shut down the government. The next worst possible thing to do is a long-term CR, where you just say: We couldn't decide how to spend the money this year, so we are going to spend it like we spent it last year.

The next option is the one we are following, which appears to be a short-term CR to, unfortunately, come back and begin next year's work with the obligation to finish this year's work. That is clearly a mistake, and it is a mistake that ends a Congress that otherwise was pretty successful.

All kinds of regulatory reform occurred. Some of it the Congress was involved in. For the first time in the history of the Congressional Review Act, the Congress—15 times—sent to the President a regulation that the Congress was not going to approve, and, 15 times, the President agreed with that decision. That happened exactly one other time in the 25-year history of the Congressional Review Act. There was one time before this Congress when it had happened 15 times.

The regulatory situation of the country is much better. The first major rewrite in the tax bill in 31 years has clearly had and is having an impact on our economy. The numbers in my State of Missouri are as good as they have been in a long time. I think our unemployment number is at its lowest in 18 years. The national unemployment number is at its lowest in almost 15 years. Missouri's number, at 3.2 percent, is even lower than that. There are things like the long-term extension for the FAA, or the Federal Aviation Administration, and the farm bill. There are a lot of things that we should be talking about.

I want to talk, for just a few minutes, about the things that have happened for Missouri this year here in the Senate. We have made significant progress in addressing some of the most important issues facing both the State and the Nation.

Just this month, we had a land transfer for the National Geospatial-Intelligence Agency. It started out as an ocean mapping agency in St. Louis, MO, decades ago, and then it became a full partner in our overhead architecture that tries to figure out what is going on in the world at any given moment on any given day—things like mapping out what we know about the outside of the place where Osama bin Laden was hiding and where he was eventually found, guessing from watching traffic going in and out of there, what might be on the other side of the door when you go in. That is just one of the things that happens at the National Geospatial-Intelligence Agency every day.

That one and others happened at Next NGA West, the St. Louis facility. There was big competition on what we should do about that. The decision was made to put that \$1.3 billion new facility in the city of St. Louis, right next to one of the great Federal disasters of all time.

The Pruitt-Igoe housing complex—not well thought out—had to be imploded within a short time of people's moving in there. Within a decade or so, it was known to be a disaster. Not too long after that, it just imploded. That is sort of, again, the implosion of so much of that part of a city that, at one time, was the fourth biggest city in the country in terms of population. It is not there any longer. There are things like the GEOINT workforce—the national geospatial location being there—that will make a difference.

Certainly, there is aviation, and we make lots of military aircraft in our State. The bill that we funded that we worried so much about in recent years really brought it back to where we have the multiyear funding of things like the Super Hornet, the Hornet, and the Growler. It just so totally disrupts the efforts of our enemies to figure out what that formation of planes is all about. It is an important part of flying, whether they come off of the deck of a ship or off of a runway or anything else. Boeing won the opportunity to make the Air Force's T-X trainer, and it is beginning the process right now. The nonmanned tanker is important. Just a few years ago, keeping those lines open in a way that we were concerned about wouldn't have happened.

I had the chance this weekend to be a part of the launching of the future Freedom Class ship USS *St. Louis*. The Navy asked for 32 of those ships, and this Congress gave them 35. Now, if you are listening out there and you are a taxpayer and are thinking about this, well, why would the Congress give them 35 when they asked for 32? We look not just to the immediate need of that line but at the long-term and unfunded need. It hasn't been that long since the Navy would have asked for 32 ships but might have gotten 18 or 16. We are in a place in which, once again, we are looking at our defense obligations. We also had the biggest pay increase for men and women in uniform in over a decade. All of those things matter.

Senator MCCASKILL and I worked on one piece of legislation to allow the historic *Delta Queen*, which will be based at Kimmswick, MO, which is just south of St. Louis on the Mississippi River, to get back in operation again. It is a 1920s riverboat on which, not too many years ago, President Carter took his summer vacation with the other passengers.

The Gateway Arch was reopened. Officially, 60 years after the arch was built, it was time to restore it. It was also time to connect the arch in better and different ways to the city of St. Louis—to the historic courthouse

where the Dred Scott decision was started. That is where the local Federal court case was that wound up in a Supreme Court disaster. In the hearts and minds of the people, they are looking back at how wrong-headed that particular court was, but that old courthouse is still there. It is now connected to the arch, as it was not before, and to downtown.

I talked yesterday to the designated person who runs the Park Service. I said that we wanted the second century of the Park Service to be a public-private partnership. There is no greater example of that than the reopening and the restoring of the arch and in the connecting of it to downtown. There has been 300-and-some million dollars spent. Almost all of that money was either privately or locally raised with a tax on the city of St. Louis. I think about \$20 million of that 300-plus million-dollar project was Federal highway money.

The message there is that if you are going to expect a different source of money, you also have to expect a different kind of partnership. I think one of the things the Park Service learned with that big project was if the second century of the system were going to be different, it can't be just like the first century. You get your money from somewhere else, and then do whatever you want to do. What happens is you get your money from somewhere else and you have to create a sense that you really have partners in that.

In St. Louis, during World War II and after, a lot of the work on atomic weapons was done. In September, Congresswoman WAGNER and I were able to join a signing ceremony on a record of decision of what to do with some of that military waste—that radioactive waste that had been left from the years before and after the end of World War II. It had been discarded by the Federal Government in ways that were not well thought out, in the West Lake Landfill.

Families there have been tireless advocates in demanding that things be done for the health and safety of their children and their community. They waited for 27 years for some real criticism out there by Scott Pruitt, who was the EPA Director. When we first talked to him about this, he said that you can't be on the priority list for almost 30 years if it is really a priority list. With his and Administrator Wheeler's leadership, somehow we came to a conclusion there that has generally been met positively by people who have worked so hard to get that Federal decision—there is a public-private partnership—and the private companies they worked with to do something with this material—to now do the right thing with the material, which means moving it out of our State.

In southeast Missouri, there was a port authority, an inland port authority. An almost \$20 million bridge grant was announced the other day that will allow that inland port, with two new

rail lines, to become much more multi-mobile than it had been before.

What is going to happen to rural food demand? It is critically important. No country in the world is better suited than we are to meet the doubling of world food demand between now and 2050. In the doubling of the biggest area of commerce in the world, our inland ports in that discussion become particularly important.

Both the Congress and, in this case, the Missouri General Assembly are paying attention to the inland port structure like they have not before. The biggest single piece of contiguous agricultural ground in the world is the Mississippi River Valley. Unlike the others in the world that may be almost as big, it has its own built-in transportation network. The Missouri, the Ohio, the Arkansas, and the Illinois are rivers that flow into the Mississippi River and create that network that now links through the Panama Canal easily. You can go to Asia. You don't go through the Panama Canal. You easily get to the east coast of our country or you get to Europe and Africa. It is a great opportunity for us, and that kind of investment makes that opportunity more likely to pay the kind of dividends we would hope it would pay.

In September of this year, Congress passed and the President signed the Energy and Water appropriations bill, which included \$25 million for the Delta Regional Authority, which is an authority designed to benefit a part of our country in which the early focus on labor intensive occupations, particularly farming, has given way to looking at that part of our economy without thinking about what has happened to rural communities and the rural workforce as that has moved on. Broadband is part of that, and I think we are going to see that continue to be a big part of what goes on in the future.

We have the small ports and the Mississippi River and tributaries project. We have the Ste. Genevieve National Historic Park, and the President signed that bill in March. Ste. Genevieve has French architecture that goes back to the late 1700s and to the very early 1800s. It is unique in the kind of architecture that is preserved there. Some of the oldest buildings, certainly, in the middle of the country and, in some cases, west of the Mississippi are there, and we are moving forward. I hope, even this week, to do a couple of additional things that will make that historic park work and be open to people from all over the world. The French Ambassador wants to go there in the near future and see what we are doing, as an example, to maintain those buildings that are reflective of a different part of our heritage than we have in most of the country.

Research institutions, like the University of Missouri, the USDA ag research facility in Columbia, and other places across our State, have benefited from additional research money.

In East Locust Creek, in August of 2018, it was announced that the final

investment would be made for an East Locust Creek Reservoir in North Central Missouri. Water is a bigger and bigger challenge as we look toward the future, and thinking now about how we are going to have the kinds of water opportunities we need for drinking water or agriculture water and other water is very important.

In Sedalia, MO, a project to help—Congresswoman HARTZLER and I worked on a project to help make the industrial park work better. Nucor just announced this year a significant and brandnew steel facility in that part of our State.

In Kansas City, the Buck O'Neil Bridge, across the Missouri River, is something that has needed to be done for a long time. The community had come up with 90 percent of the money needed, a bridge grant that Secretary Chao called me about, that the community had applied for, gets that last \$25 million of that 200-and-some million-dollar project.

There has been a long fight at Whiteman Air Force Base in Warrensburg to maintain the A-10s and then do what we could to get the replacement wing there. That is important, as were the things that happened in Saint Joseph with the lift capacity, the ability with those C-130s, where 19 different countries come to that facility and train to figure out how to get the kind of support we need for military all over the world, including our NATO allies.

Senator BOOZMAN and I, from the days we were in the House together, formed an I-49 caucus. Another announcement just in the last month will allow the last few miles of I-49 to be completed in our State. I was there about 8 years ago when Highway 71 in Missouri became I-49, and in most of our State now it is I-49, and it will be I-49 in all of our State.

So what has happened there and what has happened with opioid grant funding and with our mental health leadership in our State have resulted in significant legislative achievements this year.

The HIRE Vets Act is legislation that provides not only for hiring vets, but it also establishes recognition. Everybody says they hire vets. This is following up on legislation that was passed here in the Senate and in the House and signed into law in May of 2017. The Labor Department came up with that new standard of acknowledging who hires vets and who is better at hiring vets than anybody else. The first five Missouri employers were recognized this year with dozens of employers all over the country, in a tiered situation. It is sort of like the LEED standard for energy efficiency; we now have a standard for hiring vets.

As with the FAA reauthorization bill I mentioned earlier, our efforts to move toward more rural broadband have moved significantly this year, but, still, that is one of the things we need to be looking at next year.

I would argue that this is certainly one of the most effective right-of-cen-

ter Congresses in a long time. I think it has been an effective Congress. We looked at the issues facing the country, and we have done the best we can, in a long- and short-range way, to deal with those issues. It is something we ought to be talking to people we work for about, trying to use that as a standard. We were good this year; let's figure out how to be even better next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

UNANIMOUS CONSENT REQUEST— S. RES. 734

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 734, submitted earlier today; that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object, whether you support ObamaCare or oppose it—and I clearly oppose it—it remains the law. The decision in the Texas case is being appealed, and I expect it will eventually end up before the Supreme Court.

Regardless of what happens in this legal process, our commitment has always been to protect people with pre-existing conditions. As a doctor and husband of a breast cancer survivor who has had three operations and who has been through chemotherapy twice, I know the importance of making sure that patients can get access to quality healthcare at an affordable cost. Since ObamaCare passed, this has not happened for many families I speak to in Wyoming. They keep telling me that ObamaCare has made their insurance unaffordable, whether it is premiums, copays—all of it. It has made it more difficult to get the care they need.

Simply put, they know ObamaCare has failed because they personally have experienced the law's sky-high premiums and few choices.

It has taken Washington Democrats a little longer to figure this out. Now they are clamoring for a federally mandated, single-payer system. They want a healthcare system dominated and controlled by Washington.

As a doctor, my focus is on making healthcare better for patients, period. It shouldn't take a judge to force us to get it done. We need to reform healthcare to give American families better care at a lower cost, which ObamaCare failed to deliver.

The question is whether Washington Democrats are interested in solving problems or playing politics. I am ready to work.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I respectfully disagree with my friend from Wyoming. First of all, the reason I asked for a live unanimous consent request on my resolution was to protect the 800,000 West Virginians with preexisting conditions, along with millions and millions of Americans.

We have tried. We have come to an agreement on how to fix the high cost of third-party and individual payer. It has been lying on the majority leader's desk for a year with no movement or action.

People say that we all have sympathy and empathy for people with preexisting conditions. If you want to protect that, then remove your lawsuit or at least allow us to move forward on a unanimous consent request so that we can fight and have a fighting chance, as this will be appealed to the higher courts.

It is absolutely wrong that people who have insurance for the first time, now have the threat of having it taken away from them.

As a former Governor, let me tell you how this system works. If you think people are not deserving of insurance or should not be able to have affordable access to insurance, then you are paying anyway, because the people who don't have that or didn't have it before go to the emergency room at the highest cost. They go right to the emergency room. They don't pay. That cost is then distributed on to the Governor, and the Governor of each State has to come up with supplemental payments to keep hospitals and rural clinics open. That is the way the system works.

If you work for a company and couldn't afford the copayment, if you work for a company that didn't offer insurance—a small company that didn't have insurance at all—what you would do if you got hurt at home or got sick, you would hobble into work and make a workers' comp claim. That is the only access to insurance.

If you want to go back to those draconian days, that is where we are headed if this lawsuit succeeds. What we have asked for is simply the ability to fix what we have in front of us.

I haven't supported the single-payer system; we are not talking about a single-payer system. We are not talking about anything but fixing the existing Affordable Care Act.

The President of the United States, Donald Trump, could do this very easily, taking this up. I will be happy to call it Trump RepairCare. I think it would be a fitting name because he can fix it. He can bring us together so that we can basically look at a bipartisan solution to bring down the high cost of premiums. We can also look at a bipartisan solution to fix the runaway costs, teaching people how to take care of themselves, keep themselves healthier and be preventive in the care they receive.

This resolution allows the Senate and legal counsel to intervene and de-

fend West Virginians and Americans with preexisting conditions from this inhumane lawsuit. If you believe in that, there should be no consideration for objections. We should be able to sit down and let the legal staff that we have here in the Senate intervene on our behalf and the people we represent. That is all we have asked for.

Millions of Americans with preexisting conditions have been trusting us to defend their rights. Now they are hearing the political rhetoric. They hear it every day when anybody goes on the campaign trail. The last thing I heard from my colleagues on the Republican side—and these are my friends—they said: Oh, yes, JOE, we want to make sure that people with preexisting conditions have access; they cannot be denied.

But guess what the proposal is that they were going to come forward with. It would say simply this: We will make sure insurance companies offer you affordable insurance, but, basically, they will not have to protect you or insure you for an existing condition you have had. So we will basically insure your entire body, except for the cancer or the heart condition that you might have had prior to that. That made no sense whatsoever.

So they are really not sincere about coming up with allowing people with preexisting conditions to have access to affordable care. That is all we are doing today.

Right here and right now we have the opportunity, and we have heard the objection, and I am so sorry for that. We could have done the right thing and directly been involved in defending the lives of Americans.

I believe that the Texas judge was wrong in his ruling because we never removed—even those who voted for the tax cuts, and I think a lot of people begrudgingly did that, looking back on that—but, with that, it said they removed the mandate. The mandate did not remove the language of the code of the law. It removed the money from it, but it didn't take the language away. So I think anybody with any type of background in the legal process understands that will not hold up in court. All we have asked for is the right to defend the people we represent.

So I am very sorry for the decision to object. I really thought that we could get a unanimous consent agreement and move forward, and then, really, you could go out and talk to your constituents and say: I truly am fighting to make sure that any of you all who have preexisting conditions—800,000 West Virginians who have a preexisting condition—will have affordable access and cannot be denied and cannot be overcharged. That is all. Give them a chance.

I don't know where you come from, but where I come from, before we had any access to healthcare, before there was a law that forbade insurance companies to charge outrageous prices or cut people off to say that, basically,

you have hit your cap and you are no longer able to be insured—you are too sick for us to invest any more into you—they would say: I don't want to be a burden to my family.

What a person is telling you, if they have a preexisting condition is this: I don't want to be a burden to my family because I don't want to put them in a position that would be absolutely ruinous for them, put them in bankruptcy; one of my illnesses could put my family in bankruptcy because I cannot buy nor will the insurance company sell me insurance, nor can I afford what they want for it.

That is what we did away with, and that is where we are going back. We want to intervene so we do not go back to those dark ages.

With that, I hope my friends on the Republican side will reconsider this, and, as a body, let this move forward to protect the people of America.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to join in the remarks of the Senator from West Virginia, who worked very hard to make sure we had a resolution that would allow us to direct the Senate legal counsel to intervene in the lawsuit.

Of course, the lawsuit is beyond the district court. We await what might happen in an appellate court. But the best way for anyone in this body to express their disagreement with the removal of the protections for those who might have a preexisting condition, if you believe that those protections should remain the law of the land as they are now, then you should, as a Member of the House or the Senate—even if you wanted to be in favor and voted in favor of repealing the Affordable Care Act, you could still argue that in the interest of preserving those protections, without question, in the interest of providing certainty to not just tens of millions of Americans but many millions more than that who have these protections in law right now—did not have those protections before the Affordable Care Act—if that is what you believe, you could very easily say: Let's preserve them and make a different argument in this court case, file a brief, and try to intervene, as you could in this case.

But for some reason around here, some people think they can have it both ways. They do television ads and campaigns or give speeches back home saying: Oh, don't worry, I want to protect and I want to preserve the protections for preexisting conditions, but at the same time do nothing about it.

There is no third way here. You are either in favor of those protections, maintaining in law the protections for those who have a preexisting condition, or you are not. You are either for that or you are not. If you are for it, I think you are dutybound to take action to preserve it.

Right now, these protections are at risk. They will be in greater jeopardy if

an appellate court were to agree with the district court. So I think folks here have to make a decision: You are either for maintaining these protections, which carries with it a responsibility to take action to make sure that those protections are in law—are kept in law, remain a part of our law—or you have to go to the other side, which is you throw up your hands and say: Either I am not for those protections or I am not going to do anything about it.

So you have to take action or not. I think that is true of people in both parties and both Chambers, but when you consider what is at stake in a State like Pennsylvania, we have a huge portion of our population—more than 3 million people—who live in rural communities. With 67 counties in Pennsylvania, 48 of them are rural.

A couple years after the Affordable Care Act passed we saw in Pennsylvania—this is only maybe 2 years ago now, and I am sure the numbers haven't changed that much—we had about 280,000 people who got their healthcare through the Affordable Care Act but lived in those 48 rural counties. Of the roughly 280,000 who got coverage, 180,000 were in rural communities. Lots of folks in rural areas are worried about the protections they got because they were benefited by Medicaid expansion, and the balance of those got their healthcare through the exchanges.

If you are in a rural community and you got healthcare most recently through the exchanges or even if you had healthcare prior to 2010 or prior to the last several years, you have protections that you didn't have before. Of course, in rural communities in Pennsylvania, you have even higher incidents in many cases of those who have an opioid problem. These healthcare decisions, these healthcare votes that we cast, these healthcare court cases have even greater significance in rural communities—whether it is preexisting condition protections, whether it is having the coverage of Medicaid that allows you to get treatment and services for an opioid problem, or whether you are just dependent on healthcare because of your own health or that of a family member, especially children.

I would just make a couple more points because I know we are limited in time. Here is some data on the impact of the Affordable Care Act and what could happen in some communities in a State like Pennsylvania that have a high significant rural population.

We are told in one study that since 2010, 83 percent of rural hospitals have closed, and 90 percent of these rural hospitals that closed have been in States that have not—or have not as of that time period—expanded Medicaid when the hospital closed. So we are talking about a court case that would, in essence, invalidate the Affordable Care Act. We are talking about not just healthcare loss or coverage loss in a rural community, we are talking about job loss and devastation.

In our State, we have something on the order of 25 rural counties where the No. 1 or No. 2 employer is a hospital. If that hospital is badly undermined, if they can't make the margins work because of cuts to Medicaid or the elimination of Medicaid expansion, as some around here want to do—not just cut it but eliminate it—you are going to have economic devastation in those communities in addition to healthcare devastation.

The staff of the Joint Economic Committee has estimated that if the Affordable Care Act were struck down, which is the effect of this Federal court case of just last week, 17 million people would lose coverage next year—17 million people in just 1 year.

What we should be doing around here, in addition to urging a court—or any court—not to strike it down, is to have bipartisan hearings for a long time on lots of ideas. We need at least weeks of that, if not longer. If there is one area or one place of consensus around here, it is that healthcare costs for too many Americans are too high. We have to get costs down, and people in both parties have a lot of work to do on that.

The second thing we hear back home and across the country is prescription drug costs especially are too high for too many families. Neither party has done enough on that issue. We have to get those down as well.

If we focus on the priorities of most Americans, which is not repealing this law; it is not throwing out or ending Medicaid expansion, which helps with the opioid crisis and helps a lot of our rural communities especially—what we would do is focus on the priorities of the American people: get the cost of healthcare down, get the cost of prescription drug costs down, and deal with any other issues that have been brought to the table for those who care about improving our healthcare system.

If the American people see only a battle about one side wanting repeal and the other side working every day to try to stop that, we are not going to advance very far on their agenda. Their agenda is not that fight. Their agenda is to protect the gains we have, make sure people don't lose coverage, and make sure a much larger portion of the population—virtually everyone you know—doesn't lose protections that were put into law a couple of years ago.

If we do that and focus on those priorities, I think the American people will believe we are beginning to do our job in both parties on healthcare. The worst thing we can do is go back to the days when someone with a preexisting condition was denied coverage or was charged a higher rate because of that preexisting condition. We don't want to go back to those dark days. We should insist that we never reverse course on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—
S. 2644

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 393, S. 2644. I further ask that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and that the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise for the third time in the past 2 months to defend the integrity of our political process by defending the ongoing investigation led by Special Counsel Robert Mueller.

The continuity of this investigation is critical to upholding public trust in our institutions of government due both to the substance of the investigation, the extent to which a foreign government was able to interfere in our political process, and the principle that no person—no person, no matter how high the rank—is above the law.

The investigation has produced results already, including the indictment of more than 12 Russian nationals for interference in the 2016 elections. It has also led to much knowledge about what was going on during the period of 2016 and beyond with regard to individuals in the United States. We need to protect the independence of the special counsel and allow this crucial investigation, and any like it in the future, to run their course.

This particular bill, S. 2644, Special Counsel Independence and Integrity Act, was approved by a bipartisan vote of 2 to 1 in the Judiciary Committee—14 to 7. We don't have many votes like that, the Senator from New Jersey will attest, in the Judiciary Committee. It has awaited a floor vote ever since. That is 9 months—9 months without a vote on this bipartisan bill that came out of the Judiciary Committee.

I just asked a moment ago for unanimous consent to pass this legislation. It was objected to for the third time. I know some of my Republican colleagues have some sincere objections to this bill. Some of them believe a President must be able to fire anyone within the executive branch, at any time, since the President is the head of it. I understand the constitutional arguments. I know some of my colleagues hold them sincerely. I would respond that, if this bill becomes law, the President still has a key role in overseeing the process. There is accountability to him. The Constitution requires that there must be.

Under this act, the Attorney General would still oversee the investigation and still be able to remove the special counsel for good cause. So the special counsel would not be fully insulated

from Presidential control. The Attorney General who oversees the special counsel still answers to the President. This legislation simply adds one layer of protection to the special counsel and makes his removal renewable, to make sure it is for sufficient cause, and it maintains a significant degree of Presidential control while protecting the special counsel investigations from being terminated by a President who might feel that he or she is under increasing heat.

This bipartisan request today is timely and necessary. Just last month, after the midterm elections—for those of my colleagues who said throughout the year nobody is being fired, don't worry, nothing to see here—the day after the midterm elections, the President forced his Attorney General to resign after numerous public comments from the President that the AG should not have recused himself from the investigation even though he was a key player in the 2016 campaign.

It is clear we need to put these protections in place and send this signal to the President. Nobody is above the law. The truth must be told, whatever it is.

I thank my colleagues on the Judiciary Committee, particularly Senator COONS and Senator BOOKER, for pushing this legislation and for insisting that it be considered on the Senate floor and for being here today again.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I am proud to once again join the Senators from Arizona and New Jersey on the floor to ask for a vote on the Special Counsel Independence and Integrity Act.

We have come three times now to ask for a vote—just a vote—on this bipartisan legislation to protect the special counsel and support the rule of law, a bill which passed the Senate Judiciary Committee by a vote of 14 to 7, including with the support of Chairman GRASSLEY, to be considered on the floor.

Each time we have come here, there has been an objection from a Republican colleague. Each time, we have heard a reason or an excuse—something like: This legislation just isn't needed. The President is not imminently going to fire the special counsel. To those who believe this bill is still unnecessary, I could give a thorough survey of the landscape of recent days, but let me simply summarize.

There have been a whole series of filings and actions and developments in the Mueller investigation that have made clear that the President or his National Security Advisor or his personal attorney lied to the FBI or lied to the American people, misrepresented the scope and depth of the President's business contacts in Russia during the campaign or misrepresented to the FBI ongoing contacts with Russians. This is an effective and ongoing

Federal investigation that must be allowed to reach its conclusion.

Meanwhile, the President continues to spread misinformation and undermine the investigation into Russian attacks on our election. He recently suggested, with no evidence, that the special counsel and his team are bullying witnesses into lying about collusion, tweeting, the “Angry Mueller Gang of Dems is viciously telling witnesses to lie about facts & they will get relief.”

I know many of us have begun to shrug our shoulders at the President's tweets, ignoring the ways in which his messages publicly undermine the rule of law or discredit and attack Federal prosecutors. I know some Members of this body have proved willing to dismiss each new piece of information the special counsel uncovers as if it is no big deal.

Folks, this is not politics as usual. This is not something we should be sweeping under the rug. This is about the integrity of our democracy, our national security, and the President of the United States.

It is critical that this body demonstrate our ability to come together in a mature and responsible bipartisan way to do something about it—not to sit by and watch a potential constitutional crisis barreling toward us and refuse to step up and act.

Our job as Members of the Senate, sworn to uphold the Constitution, is to take reasonable, responsible, preventive action to avoid this sort of crisis that we can see coming. I am so grateful to my colleagues, both Republicans and Democrats—Senators GRAHAM, TILLIS, BOOKER, GRASSLEY, FEINSTEIN, and FLAKE—who have worked to craft this bill, to get it a hearing, to get it a vote, and to get it to the floor. Yet I am so frustrated with those who continue to block the last step, a vote on the floor.

Just last night, we saw the broadest possible coalition of Senators—from Senator BOOKER and Senator LEE to Senator DURBIN, Senator GRAHAM, and Senator GRASSLEY—come to this floor and lead a successful final vote on criminal justice reform. If we can do that, overcoming decades of divisive politics on race and criminal justice, why can't we do this? This cannot wait. The moment to act is now. The American people deserve an explanation as to why we can't act on this most important point.

Mr. President, before I yield the floor to my colleague of New Jersey, I want to conclude with a few words about my colleague and my friend JEFF FLAKE. When we look back at the history of this time, with the hindsight of history, it is my hope and it is my belief that Senator FLAKE will be recognized as someone who put country over party at a moment when it mattered. He follows a long line of Republicans whose mettle has been tested by the turmoil of their times—names I was raised on, such as Wendell Willkie, the Republican's nominee for President, who

agreed to support President Roosevelt's controversial plan to send aid to Britain at a turning point in World War II, even though it was the height of a Presidential campaign. Without his support, the plan would have failed. FDR called him a godsend to our country.

Margaret Chase Smith, of Maine, stood up to Joe McCarthy in 1950, a decade later. When she issued her “Declaration of Conscience,” she was just a freshman.

Last, Barry Goldwater, also from Arizona, along with Republican leaders went to the White House in August of 1974 to make it clear to the President that he had lost their support and needed to resign.

I am a proud Democrat, but I know that no party has a monopoly on courage or conscience. Our system only works when Members of both parties take risks for the good of us all. I have been deeply blessed to serve alongside and to work with Senator FLAKE. It is my hope that his example will inspire others in the Congress ahead to come together and to meet the demands of our time—protecting the rule of law, protecting the investigation of the special counsel. Taking up and passing this law is exactly one of those demands on which he has stood up and for which I am grateful for his leadership.

With that, I yield to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I want to give a lot of gratitude to my colleague, Senator COONS of Delaware. He is not only with us today on this call for a vote on a bill that was voted out of this Judiciary Committee in a bipartisan manner, but he is also a cosponsor of this legislation and somebody I have been proud to work with.

I want to thank my colleague JEFF FLAKE for putting himself so far out there in pushing for this legislation. It is a consistent pattern with JEFF FLAKE. If you know him, you might know that he and I might disagree on a lot of policy, but he is one of the people I have looked up to in the U.S. Senate as someone who understands the role of Congress, the article I branch of government—that the powers of Congress articulated by the Constitution should be seen as sacrosanct, and that the erosion of these powers or the surrendering of these powers to the executive undermines the very ideals of our Constitution that our government should be one of checks and balances on power.

I have seen him step forward and lead in the manner he is showing today. I have seen him step forward when it came to war powers and talking about the authorization of the use of military force and speak forcefully in a bipartisan manner with another of my colleagues, TIM KAINE, in saying: Hey, we have to have a system of checks and balances or the very foundations of this Republic begin to be undermined.

If you know his character, you know he is on the Senate floor because of his deep belief in this Nation, not just today but for the tomorrows to come, and that we must maintain healthy checks and balances on Executive power and within our system of government.

I am grateful for him to come in his final hours as a U.S. Senator still pushing this idea that there should be checks and balances, pushing this idea that there is a bipartisan space to try to preserve the ideals of this Republic, pushing this idea that no one—not a U.S. Senator, not a Congressperson, not even a President—is above the laws of this land because in the United States of America, we believe in the rule of law.

More than this, we talk about the Framers, but every generation of people who are in these seats in many ways are stewards of this Republic. What I respect about my colleague from Arizona is that he takes that seriously. Something from past Members in history who have understood that is that you need to not only make decisions for today but you need to plan for tomorrow. It is an axiom that I know all of my colleagues on both sides of the aisle believe: It is better to be prepared for a crisis and not have one than have a crisis and not be prepared.

I am one to believe that we are coming perilously close to the precipice of our Nation having a constitutional crisis. There is an investigation going on that is not a political attack. It is not a witch hunt—whatever may be seen. We already have seen this investigation through a consensus of our intelligence community that is investigating an attack on our Nation. It is something that people from both parties have spoken about—the importance of having an independent investigation. It is something that an appointee of the President, Jeff Sessions, has said we need to make sure the investigation is independent and beyond reproach.

That investigation has already yielded many indictments. It has yielded guilty pleas, and that investigation should be able to continue. There are some people who say: Hey, there is no threat to that investigation, but I am a big believer that if someone shows you who they are or tells you who they are, believe them.

We have a President right now who is attacking this investigation—the very legitimacy of this investigation—and he is acting like someone who believes this investigation shouldn't be going on at all. I believe that it may not happen, and we may not end up with a constitutional crisis, but if one comes, we should be prepared.

How are we to be prepared? Not by some partisan radical idea, but by a very sobered measured step that is embodied in the legislation that we are calling for right now—to have a modest check and balance on a President's power to end an investigation and dis-

miss the special counsel. That is what this is all about. It is a modest step of judicial review that could prevent not just a crisis that might happen next month or next year but 20 years from now, 30 years from now, 50 years from now. It is in line with what this body has done in the past of providing a check and balance on Executive power.

We have called yet again, for the third time, for a vote, and a third time we have not been granted a vote on the Senate floor or granted unanimous consent.

I am grateful to be standing with my colleagues for the third time. My hope is that in the fashion we have seen on this floor of recent, that we can work together to ensure we have a check and balance on Presidential power, to ensure the ideal of this Nation of equal justice for all, and to ensure that we can have a country where no one is above the law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, to conclude, I thank my colleagues for their kind words. I thank them for taking their jobs seriously and that they would continue to do this.

I say to our President: This is not a witch hunt. Russia attempted to interfere in our elections, and they will continue to make that attempt.

We are seeking truth here, and that is what the special counsel is doing, and he needs to be protected. We need to be better prepared for future elections. That is what this is about.

As the Senator from New Jersey just said, this is based on the principle that no one—no one, however high and mighty, whatever position they hold—is above the law.

With that, I yield back.

The PRESIDING OFFICER. The Democratic leader.

TRIBUTE TO CLAIRE MCCASKILL

Mr. SCHUMER. Mr. President, I return to the floor to conclude saying good-bye to Members of our caucus who will not be returning to this Chamber next year. Last, but certainly not least, to me and to so many of us, is my dear, dear friend, the Senator from Missouri—as she says it—CLAIRE MCCASKILL.

It should come as no surprise to anyone that the Senator from Missouri found her way into politics. She got her start early. Growing up in a family that was actively involved in government and politics, CLAIRE was not given the option to avoid subjects of national debate. When CLAIRE was 7 years old, she was sent door to door on Halloween, saying: Trick or treat; vote for JFK.

Soon, politics wasn't just a passion passed down but a passion of her own. In high school, CLAIRE launched a stealth campaign to become homecoming queen. In the tradition of her school, the football team picked the

winner. So CLAIRE befriended all the linemen—doing small favors, arranging dates—knowing there would be more of them than any other position. Guess what. She won, not because she skated by on popularity—although she was always popular—but because she put in the work. She was tenacious and tactical, qualities she would take from high school politics into the politics of the wider and older world.

That is how, as a Democrat in a State already becoming more conservative during her youth, CLAIRE would go on to represent Missouri at nearly every level of government. As a prosecutor, in the State house, as State auditor, and, eventually, for 12 amazingly wonderful and productive years as Senator.

I was chair of the Democratic Senate Campaign Committee in 2005. CLAIRE was just coming off a difficult loss in the Governor's race, after which she "drank a lot of red wine and ate too many cookies," by her own typical frank admission. I had heard so much about her that I flew to London to meet with CLAIRE and her dear husband Joe about a possible Senate race. Almost immediately, I was struck by the force of her personality.

She is a whirlwind. As CLAIRE's mother, Betty Anne, said of her, "Integrity, independence, and guts—that's what CLAIRE MCCASKILL is made of." Everyone who meets CLAIRE can see that from the get-go. By the end of dinner, I was so eager for CLAIRE to run that I did something I almost never do. I paid for dinner. I have never been more glad that I did because CLAIRE became an exceptional Senator and one of my closest friends, not just here in the Senate but in life. A moderate at heart, CLAIRE had a knack for finding compromise between our two parties—a theme among many of our departing Members.

She worked across the aisle with Senator COLLINS to protect seniors from financial scams. She worked to fight for victims of opioid addiction, working with Republicans on taking on the big pharmaceutical companies that were funneling money to organizations to promote their own dangerous products.

In the tradition of her political idol, Harry Truman, she took a seat on the Armed Services Committee and fought fiercely for our veterans and our military.

Her hearings on the waste, fraud, and abuse of military contractors ushered in long-overdue reforms to military contracting, increasing transparency and accountability.

Almost every issue that CLAIRE got her teeth into, she never let go and always succeeded. She was amazing as a Senator.

Of course, CLAIRE wasn't just pragmatic. One of the reasons we love her is that she is both pragmatic and principled and combines those two in a unique way.

I will never forget the vote on the Dreamers. CLAIRE was seated in a seat

back there. She was a more junior Member. She knew that voting to bring the Dreamers home—a pathway to citizenship and living here in America—could mean the end of her election. She said that to me. But she said: I cannot vote against them. And we walked down the aisle together, tears streaming down her cheeks, and, of course, she voted yes.

The Senate has its fair share of dealmakers. It has its fair share of principled fighters as well. But rarely, rarely, rarely is a Senator so adept at both. That is our CLAIRE MCCASKILL.

We will miss far more, of course, than CLAIRE the Senator. So many of us will miss CLAIRE the person. When she has something to say to you, she does not hold back. Believe me—I know. I have been called just about every name in the book by CLAIRE MCCASKILL, and each time, it rang true, but I didn't mind it because I know it was done with both affection and a desire to make me better and do a better job. And I can say this: Whatever job I am doing here as leader is in significant part because of CLAIRE MCCASKILL's loving but pointed criticisms. I will miss them so much.

She is amazing. I am not the only one she criticized, and I am not the only one she criticized using the words that came right to her mouth. They say they used to keep a swear jar on her desk in the Missouri Legislature. I would be surprised if they didn't keep a few lined up along the whole desk.

But as much as CLAIRE can sometimes criticize you in a pointed way, she can also make you laugh. She said her father insisted on two things: that she learn the rules of football and how to tell a good joke. That, she did. And more than that, she can tell a good joke at her own expense. That is just one of many reasons she was so well liked in this Chamber by Democrats and Republicans.

It is rare you can find someone who speaks her mind so directly and yet be so loved. That is one of the many uniquenesses of this wonderful lady, CLAIRE MCCASKILL. And I am not the only one who felt that way. After a farewell address in this Chamber, the line of Senators to say a few words about CLAIRE was long, and it wasn't just on our side of the aisle.

I could go on about Senator MCCASKILL for quite a while, but I am sure she is already telling me that I am getting longwinded. So let me close with this: When CLAIRE was 9 years old, her father took her to the annual Jackson Day dinner in Springfield, MO, to hear the big political speeches on offer that year. After all, this was a famous venue that had hosted the giants of American politics—William Jennings Bryan, Harry Truman, JFK.

Well, guess who delivered the closing address at the Jackson Day dinner this year. CLAIRE MCCASKILL, whose impact on her State and her country, as well as on the Senate and on so many of us, belongs in the same category as those

distinguished names and will live on just as long.

CLAIRE, we are going to miss you so. I will, the Senate will, Missouri will, and America will. I wish you and Joe and your wonderful family all the happiness in your next endeavors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

LETTER OF RESIGNATION

Mr. KYL. Mr. President, I am informed that it is necessary for me to insert into the RECORD of the proceedings the resignation letter that I sent to Governor Doug Ducey of Arizona on December 12, 2018; therefore, I ask unanimous consent that this letter be printed in the RECORD at this point.

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

U.S. SENATE,
December 12, 2018.

Hon. DOUG DUCEY,
Governor of the State of Arizona,
Phoenix, Arizona.

DEAR GOVERNOR DUCEY: Thank you again for appointing me to the U.S. Senate to fill the vacancy created by John McCain's death. It has been an honor and a privilege to again serve the people of Arizona.

When I accepted your appointment, I agreed to complete the work of the 115th Congress and then reevaluate continuing to serve. I have concluded that it would be best if I resign so that your new appointee can begin the new term with all other Senators in January 2019 and can serve a full two (potentially four) years.

Therefore, I will resign from the U.S. Senate effective 11:59 pm EST December 31, 2018.

Respectfully,

JON KYL,
United States Senator.

REMEMBERING JOHN MCCAIN

Mr. KYL. Mr. President, the other thing I would like to do this afternoon is to very briefly report to my colleagues and to constituents back home on some things which my predecessor, Senator McCain, was working on at the time of his untimely death and which his staff and I have continued to work on and, in several cases, have brought to successful conclusion. I want people to know about these items and what we have been able to accomplish.

I first want to thank the members of his staff who wanted to stay in the service of the government and the State of Arizona and were willing to take a position in my office, as a result of which, we were able to really have a seamless transition from some of the things Senator McCain was working on and my ability to continue to do so.

One of the first things of which I was aware but not really aware of the depth that he had taken it is a new relationship in the State of Arizona among the three pillars representing the defense establishment in our country and specifically in the State of Arizona. These are, first of all, our military installations—Arizona is blessed to have a lot

of military installations; secondly, the defense industries—again, Arizona is the home to many important defense industries serving all of our branches of the military; and finally, the communities that support both of those elements of our establishment.

As a result, I had the opportunity to meet throughout the State with the groups that Senator McCain had helped to nurture and to create—in particular, a group in Tucson and Southern Arizona, including Yuma, called the Southern Arizona Defense Alliance; in Flagstaff and Northern Arizona, the Northern Arizona Military Affairs Council; and in Central Arizona, Maricopa County and the Phoenix environs, the Mesa Industry and Defense Council.

Meeting with the representatives of all three components of our military society and hearing about the successes they had in working with each other and in providing a real synergy that benefited them all just reminded me again of how important Senator McCain's leadership was to the State of Arizona and to our national security.

I wanted to mention that today and to let everyone know that I will be passing on to my successor the advice that these councils continue to need to be supported and nurtured by the Senators from the State of Arizona, as well as the Members of the House of Representatives.

A second thing that John McCain was involved in as part of his activities as chairman of the Senate Armed Services Committee was the creation—a couple years ago—in the Defense authorization bill of a national commission to advise the Secretary of Defense on the strategy for the United States and to report back to Congress—and specifically the Armed Services Committee—on their conclusions.

This bill created the National Defense Strategy Commission, comprised of 12 members, 3 of whom were appointed by the chairman and the ranking member—each—of the Senate Armed Services Committee and the House Armed Services Committee.

I was privileged to have been appointed by Senator McCain to serve on that Commission, and I did for approximately a year. My service there ended as we finished our report. Before it was signed, while it was still being edited, he passed away, and I was appointed to serve in his stead. So I have had the unique opportunity to both help write the report and then be a member of the Armed Services Committee, on which he sat, to receive the report and to question the cochairmen of that Commission, Ambassador Eric Edelman and ADM Gary Roughead, Retired.

I think the importance of this Commission report reflects what Senator McCain hoped to achieve, and that is a bipartisan consensus, a unanimous report which provides advice to the Secretary of Defense and will provide advice to both the House and the Senate.

As I said, there has already been a hearing before the Senate Armed Services Committee, and I know the House

committee is going to invite members of the Commission to brief it as well.

It is my hope that the recommendations of this bipartisan Commission will be followed by the Congress and by the President and the Secretary of Defense because I think they represent some very strong conclusions about what is necessary to enhance our national security.

A third thing Senator McCain wanted to do as chairman of the Armed Services Committee was to hold a series of hearings or briefings before the committee that focused on the advances in technology that were having and can have an important impact on our national security—in many cases, on the kinds of things that we acquire in support of our military superiority, things like hypersonics and artificial intelligence, super-advanced computing, cyber technology, and the like.

After speaking with the chairman of the Senate Armed Services Committee now, Senator INHOFE, it is my understanding that he, in fact, has a plan to carry out this legacy of Senator McCain and hold a series of briefings early next year on all of these technological issues so that our Members will be better able to evaluate the kinds of things that will help our military have superiority in the future. I am happy to have had some small part to play in advancing that.

There were a couple of other more specific things that Senator McCain didn't work on but which bear his name that I wanted to mention.

One, I cosponsored and helped secure passage of S. 2827, which was a bill to reauthorize the Morris K. Udall and Stewart L. Udall Foundation at the University of Arizona. This was something that Senator McCain helped to create and to foster throughout his career. But I am also pleased to announce that this legislation names the foundation's environmental conflict resolution center after the late Senator John McCain. I am pleased to make that announcement here.

There is one other item that we are continuing to try to accomplish in Senator McCain's name. We are not across the finish line yet, but we hope to get there. That is something called the 21st Century Conservation Service Corps Act, S. 1403. This bill carries the name of Senator McCain, and it was one of his favorite projects. It expands volunteerism in our national parks and public lands.

I can tell you that while John McCain came to Arizona having lived in many other places of the world and in the United States, primarily as a result of his service in the Navy, he acquired a love for the State of Arizona which is unequalled among all of us who have been there for a very long time. He loved the beauty of the State, the ruggedness of it, the incredible variety in the flora and fauna. When I would visit John and Cindy's home in the Sedona area, I could always count on being taken on a hike around the

perimeter of the property to show me all of the interesting things he had discovered over the last several months, including where the hawks live and where the owls live and where they found the rattlesnakes and all of the other things that pleased him to be a part of that environment.

So we are hopeful that we can get this Service Corps Act passed, if not in the latter part of this session, at least perhaps early next year.

I want my colleagues to know that although Senator McCain passed away in the early part of his Senate term, he was working on a lot of things that his staff and I wanted to continue to move forward, and I am just pleased we have been able to move these items forward and wanted my colleagues to appreciate that, as well as his friends and constituents in the State of Arizona.

I thank my colleagues here who helped to make some of these things possible and urge that they continue to focus on the one item of unfinished business that can perhaps be accomplished next year.

I conclude by thanking the Governor of the State of Arizona for appointing me to serve for part of the remainder of Senator McCain's term. It has been a great honor and privilege for me to again serve the people of the State of Arizona, particularly to succeed my friend and colleague John McCain.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am going to be here on another matter in a moment, but I wanted to add my thanks to the great work that Senator KYL has done.

I remember coming here as a freshman Senator in early 2009, and JON KYL was one of the people who was kind enough to take me in. We didn't always agree. I still remember a very famous battle over slots at National Airport. But JON KYL has always been someone I have enormous respect for. I think Senators on both sides of the aisle have respect for him, and we very much appreciate his willingness to come back into service, fulfilling part of the tenure of his dear friend, Senator McCain.

I know enough about JON KYL to know that, shall I say, his livelihood prior to coming back into the Senate was quite good, and his willingness to give that up to serve Arizona and the country is a real tribute to the individual and the patriot he is. We will all miss him, and I wish him all the best going forward.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I want to add my thanks to my colleague from Arizona. I came to speak on something else, and I will say this: If there is one individual I have tried to emulate since the day I came to the U.S. Senate, it has been JON KYL. He represented Arizona well, but, more importantly, he represented the Kyl name well. JON, I am grateful that you would come back

for this short period. Godspeed as you leave.

NOMINATION OF WILLIAM R. EVANINA

Mr. BURR. Mr. President, I rise today—and it was my intent to ask unanimous consent with my colleague, the vice chairman of the Intelligence Committee—for the Senate to confirm Bill Evanina as Director of the National Counterintelligence and Security Center.

Bill has served our Nation for over 23 years, including service as a supervisory special agent and assistant section chief with the Federal Bureau of Investigation. Prior to joining the NCSC, Bill served as the chief of counterespionage at the CIA.

Bill has served honorably as the Director of the NSC since June of 2014, before the position required Senate confirmation, necessitating a vote by the U.S. Senate. Here is a guy who has served for 3½ years, and we changed the statute and said that this is a position that the Senate needs to confirm in the future, and, all of a sudden, the same guy who has been there is now being held up.

Intelligence threats facing our Nation are numerous. They are growing, and they are significant. Bill is experienced, professional, and understands the threats through real world experience. We need a Director who can ably lead our Nation's counterintelligence security activities during a period of unprecedented threats. We need someone who can actively and effectively engage and educate the private sector on the threats—something Bill has done time and again.

Director Evanina was unanimously approved by the Senate Select Committee on Intelligence in May, and it is time this body moved forward. We cannot continue to let politics or non-germane issues get in the way of confirming good people.

I ask this body to confirm Bill Evanina as Director of the National Counterintelligence Security Center without further delay.

I yield to my vice chairman of the Intel Committee.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to join with the chairman of the committee and basically echo what he has said.

Bill Evanina is a true professional. I have had a chance to work with him for a number of years in my role on the Intelligence Committee and, more recently, as vice chair. Let me cite one example.

Outside of his lane—not a duty as required—Bill has been a consistent voice in raising concerns about the challenges and threats that are posed by China. As a matter of fact, the chairman and I were recently in Austin, and Bill came down and gave one of the most powerful briefs I have heard,

which he has done a number of times for the committee and increasingly for the business community, talking in an honest, straightforward way about the security threats, the intellectual property theft, the host of concerns that confront our country by China.

Bill Evanina is one of those rare public servants, and I don't think—as the chairman has pointed out, since he received unanimous confirmation from the Intelligence Committee—that there is any question about his service, any question about his temperament, any question about his ability to do the job—no partisan challenges to him, as the chairman has mentioned. He has served in his current position for 3½ years.

We do him and other intelligence professionals a disservice when they are arbitrarily held up for confirmation, not because of a substantive issue that this individual may have performed or not performed but because of a totally extraneous issue.

My intent today, along with the chairman, was to ask unanimous consent that the Senate proceed to the Executive Calendar nomination, getting Bill Evanina permanently confirmed to this job. He is an individual who, if we are not careful and don't act on soon, may decide to take his extraordinary professional skills and find much higher remuneration in the private sector rather than serving our country.

I am not going to ask for that UC today in deference to one of our colleagues who has lodged an objection to the nomination. It is my hope that before the end of this session, the chairman and I will come to the floor one more time and make this request.

I implore the Member who has a challenge against Mr. Evanina, again, not based on his performance, not based on his politics, not based on any professionalism he brings to this job—my hope is that the Member will reflect and decide to remove this extraneous objection and allow this great professional to be confirmed to a position he has already served in for the last 3½ years.

I yield back.

The PRESIDING OFFICER. The Senator from Rhode Island.

TRIBUTE TO DEPARTING SENATORS

Mr. REED. Mr. President, I want to take a moment to salute my colleagues who are departing the Senate at the conclusion of the 115th Congress: BOB CORKER of Tennessee, JEFF FLAKE of Arizona, ORRIN HATCH of Utah, HEIDI HEITKAMP of North Dakota, DEAN HELLER of Nevada, JOE DONNELLY of Indiana, CLAIRE McCASKILL of Missouri, BILL NELSON of Florida, and JON KYL of Arizona. All of these Members have dedicated themselves to serving their constituents, their States, and our country. The institution of the Senate and the Nation as a whole are stronger because of their service and commitment.

I have been privileged to serve with each and every one of them and want to spend a few moments thanking each of them for the wisdom and experience they brought to their work and for their friendship.

BOB CORKER and I worked on many foreign policy matters together, given my role as ranking member on the Armed Services Committee and his as chairman of the Foreign Relations Committee. I have appreciated BOB's willingness to reach across the aisle in an attempt to remove barriers to gaining bipartisan cooperation on bills and other policy matters. I also appreciate how much BOB was willing to speak his mind and stand up to administrations of his party and of my party over the last several years, particularly with respect to his very astute analysis of the situation with Russia and other major issues confronting the United States today.

He has long focused on international development and human rights, causes I have been glad to support alongside him, including a joint resolution, Supporting a Diplomatic Solution in Yemen and Condemning the Murder of Jamal Khashoggi; for promoting economic growth in developing countries through U.S. business investment in the recently enacted BUILD Act; and consistently fighting to end modern slavery.

We also served together on the Banking, Housing, and Urban Affairs Committee. Here, too, he spent his time reaching across the aisle, trying to find constructive solutions, and informing our work on issues ranging from financial system reforms to housing finance.

We will miss his bipartisan spirit, and I wish BOB only the best as he leaves the Senate.

I have also had the privilege and pleasure to join with JEFF FLAKE in many moments; last week, we were at an event together honoring the late Senator John McCain. He reminisced about the times he worked with John on key policies that aimed to put our country over party politics.

He worked hard to resolve tough issues like immigration reform and protecting the special counsel investigation, and his preferred route to addressing these challenges was not to increase the heated rhetoric but to turn down the volume of the debate, so all sides could be heard and so the Senate could try to move forward in a rational and bipartisan way.

Just as with BOB CORKER, JEFF's approach will be missed in this body. I hope others on both sides of the aisle will recognize what they have done and take up their mantle.

ORRIN HATCH has long served the people of Utah with distinction as chairman of three committees: Finance, Judiciary and what was once called the Labor Committee but is now the HELP Committee. He worked across the aisle to pass landmark laws, often with his friend Senator Ted Kennedy. He was instrumental in passing critical laws,

like expanding access to healthcare for children through the CHIP program and providing help to those suffering with HIV/AIDS through the Ryan White CARE Act.

I was pleased to have the opportunity to work with him in 2005, 2010, and 2015 to reauthorize the Stem Cell Therapeutic and Research Act, to build upon and improve the National Marrow Donor Program and the National Cord Blood Inventory to better treat diseases and expand access to lifesaving therapies.

Most recently, he helped enact the Music Modernization Act, which I know meant a lot to him, given his own musical interests and talents.

He ends his service here as the Senate's President pro tempore. I wish him health and happiness in his retirement. I think his retirement will be just as active as his days in the U.S. Senate, given his personality and also given his determination to serve wherever he is.

HEIDI HEITKAMP, as she put it "beat the odds" to get here. A breast cancer survivor, the lesson she learned from that experience is to use the time she has been given for "good and noble purposes." She "chose for good or for bad to come to the United States Senate" and has served a noble purpose with noble action.

We are so grateful that she did. HEIDI has been a tireless champion of North Dakota throughout her time in the Senate. She worked hard to advance opportunities for Native Americans and veterans, to boost funding for flood protection, and to secure the northern border, to name just a few.

She and I worked together on the Banking, Housing, and Urban Affairs Committee. Most recently, I was particularly appreciative of her insight on proxy access and her support for my legislation on this matter, S. 3614, the Corporate Governance Fairness Act.

HEIDI has also been a relentless advocate for a functioning Export-Import Bank, an issue critical to many North Dakotans. Her voice and insight will be missed on this issue and so many others that come before the banking committee.

In addition, over the last 2 years, HEIDI has taken on the issue of maternal mortality rates in our country. More women in the United States die from pregnancy-related complications than in most developed nations, and the number is increasing. This has impacted so many families in North Dakota and across the country, and HEIDI has worked across the aisle to put forth solutions. In the coming days, we expect President Trump to sign into law her legislation, which I was privileged to cosponsor, to help address this issue. I salute her and wish her the best.

DEAN HELLER and I worked together with a great deal of energy and commitment when both of our States and our Nation were in deep crisis in the aftermath of the Great Recession. Nevada and Rhode Island took turns having the sad distinction of the highest

unemployment levels in the country. We worked to ensure extensions of emergency unemployment assistance in order to provide relief to Americans who lost their jobs through no fault of their own.

Our work together was of great importance, and I wish him the best in all of his future endeavors.

I want to turn my attention to three Members I had the privilege to work with and serve with on the Armed Services Committee.

JOE DONNELLY has been the ranking member of the Strategic Forces Subcommittee. He chose this position because of the Navy's installation in Indiana called the Naval Surface Warfare Center—Crane. This installation serves as the primary engineering center for the Navy's Strategic Systems Program, which manages our fleet of ballistic missile weapons systems. I had the chance to join Joe on a visit, and I was most impressed with their capabilities but more impressed with his tireless efforts to ensure that this facility—and indeed all of Indiana—had the very best.

In addition to ensuring our men and women in uniform have the resources and tools they need—like those manufactured in Crane—JOE has always been concerned about caring for veterans and is a well-known advocate for suicide prevention programs. Indeed, it was his legislation, more than any others, that helped establish a program to assist veterans and to assist Active-Duty personnel who are coping with suicidal tendencies. That was something JOE did with great passion and great commitment and great success.

JOE assumed the seat that Senator Richard Lugar previously held and carried on the legacy of Senator Lugar's Cooperative Threat Reduction Program into the future, which today continues to secure stocks of nuclear, chemical, and biological agents around the world. His work on reducing stockpiles of these dangerous weapons is a critical component of making the world safer for generations to come.

JOE DONNELLY has done great work here, and I wish him well. He is a gentleman and someone I admire and respect immensely.

I have also been extremely proud to serve alongside CLAIRE McCASKILL on the Armed Services Committee. Claire has been a leader of the Senate effort to prevent and respond to sexual assault in our military. She was a principal cosponsor of the Victims Protection Act, a bipartisan package of reforms that represent a substantial leap forward in preventing and responding to sexual assaults in the military. It is a testament to CLAIRE's determination and hard work that these laws are in place, but, also, she was the first to recognize that our work is not done. She was continually involved in ensuring that whatever legislative initiatives we passed were actually implemented. That work is ongoing, and CLAIRE's efforts have given us a strong foundation to continue those efforts.

In addition to the Victims Protection Act, CLAIRE led the effort to reform management of Arlington National Cemetery to address significant problems with the burials of servicemembers and helped to establish a single agency responsible for POW-MIA recovery and accounting efforts.

CLAIRE has also worked tirelessly to end wasteful wartime contracting practices, following in the footsteps of another Missouri Senator and one of her political heroes, President Harry S. Truman. CLAIRE has been a steadfast advocate for oversight throughout her career, and her work to root out waste and strengthen accountability has made a difference in how effectively the government works for the American people.

Again, I wish her well in the future and know it will be a future that is also committed to service to others.

BILL NELSON has been a close and valued colleague for many years in the Armed Services Committee. He is the only Senator to have flown in space and, as a result, has been our acknowledged expert, to both Republicans and Democrats, on matters pertaining to space. His knowledge of military and civilian space issues was particularly important during our debate on replacing the Russian RD-180 rocket engine, which is used in a number of national security launches, with a U.S. variant. That debate, along with his leadership on NASA reauthorization legislation, has introduced competition for space launch to a wide array of new companies. As a nation, we are much better off for his efforts. Because of Senator NELSON's leadership, we now have a vibrant and entrepreneurial launch and satellite industry that reaches well outside the traditional national security realm and is lowering the cost of access to space.

Recently, he took on the cyber mission as the ranking member on the Cybersecurity Subcommittee. His steady hand was integral in guiding this new subcommittee during a time in which we face countless cyber threats. We will miss his knowledge and leadership as we debate pressing issues of our national security in the next Congress and Congresses to come.

He has also done able work as the lead Democrat on the Commerce Committee, fighting for consumers. And, as a strong advocate for stricter gun control legislation, we worked together on the 3D Printed Gun Safety Act of 2018 and on the Extreme Risk Protection Order and Violence Prevention Act.

I also want to thank him for his leadership in enacting the Military Lending Act in 2006, which caps the annual interest rate for an extension of consumer credit to a servicemember or his or her dependents at 36 percent. Because of his efforts, servicemembers and their families have strong consumer protections that defend them against unscrupulous lenders who unpatriotically prey upon them while they are selflessly and courageously

defending our Nation. He has done a remarkable job because this legislation truly does protect our protectors—those men and women who serve overseas—so they are not taken advantage of here, back at home.

I enjoyed our time serving together and wish him the best as he goes forward. He is a great American.

Finally, I would like to recognize Senator JON KYL. I thank JON for his willingness to serve again following the passing of Senator John McCain.

I had the privilege of serving with him in his prior stint in this body. He served for many years in Republican leadership, including as minority whip. He was also a longstanding member of the Finance Committee. I was not on this committee, but given my advocacy for extending unemployment insurance—for which there was a critical need at the time—I did have a chance to serve with him on the Conference Committee for the Middle Class Tax Relief and Job Creation Act of 2012.

It was a pleasure to serve with him. He is a man of principle, a man of great decency and dignity, someone who has honored the Senate with his service, honored Arizona with his service, and makes us all very proud to know him. It was indeed a pleasure to serve, all too briefly, with him as a member of the Armed Services Committee.

I would like to thank him for his service and wish him well as he leaves this body once more. To all my colleagues, I give them my greatest respect and admiration for their service to their States, to the Senate, and to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. My friend from Nebraska, Senator SASSE, tells me he has remarks that will take approximately 2 minutes. I have remarks that will follow that will take somewhat longer than 2 minutes.

I ask unanimous consent that Senator SASSE be allowed to speak before me and that I might speak afterward for such time as I will consume.

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

The Senator from Nebraska.

CONSTITUTION DAY ESSAYS

Mr. SASSE. I thank the Senator from Mississippi for yielding to me.

Mr. President, I rise to highlight the work of some truly impressive Nebraska high school students. In September, to celebrate Constitution Day, my office offered a challenge to high schoolers in my State to submit essays describing "The Relationship Between the Declaration of Independence and the U.S. Constitution." We received contributions from across Nebraska from students in public, private, and home schools.

Today, I am pleased to announce the three winners: Ingrid Williamsen from Logan View Senior High School in the

First Congressional District; Patrick Collins from the AP U.S. History Class at Mount Michael Benedictine in Elkhorn in the Second Congressional District; and Kate Pipher from Nebraska Christian School in Central City in the Third Congressional District.

The lessons these three Nebraska students can teach us are enduringly relevant not only for other high schoolers but in this body today. I would like to read briefly from each of their essays.

Ingrid Williamsen wrote:

The Constitution was put in place so that the rights and liberties laid out in the Declaration of Independence could be enforced. It puts limits on the government so that the government cannot infringe on the rights of the people. It gives the new government the power to guarantee the liberty of all the people. Both functions are directly tied to the Declaration.

In her essay, Kate Pipher wrote:

The Founding Fathers adopted a humble posture to both their Creator and a great humanity. They understood they did not possess the power to redefine the rights of man. Their role was to defend, discover, and reveal those rights for the citizens. The Constitution's goal is to protect the inalienable rights of every individual Image-Bearer that the Declaration of Independence lays out.

Finally, in his essay, Patrick Collins referenced Abraham Lincoln's "Fragment on the Constitution" and declared that the Constitution is "the silver frame that protects the golden apple of the Declaration of Independence. . . . Thus, the Constitution is indeed a structural embodiment of those famous Truths which we held then and hold now to be self-evident."

I am grateful to have received so many great essays from students across Nebraska. I thank all of them for their work. It is clear to me that not only their classmates but Washington and this body can learn some Schoolhouse Rock Civics from Nebraska high school kids.

I would like to congratulate Ingrid, Kate, and Patrick.

Mr. President, I ask unanimous consent to have printed in the RECORD their full essays.

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

THE RELATIONSHIP BETWEEN THE DECLARATION OF INDEPENDENCE AND THE CONSTITUTION

INGRID WILLIAMSON—LOGAN VIEW SENIOR HIGH

The Declaration of Independence and The Constitution are very separate but closely related documents. They are quite similar in many ways and work together to form the backbone of the United States.

The Declaration of Independence was written to justify the Colonies independence from Great Britain. It goes further and sets forth the principals and ideas for a fair new government. The Constitution outlines how the new government would function and enforce the rights in the Declaration.

The Declaration of Independence was designed and drafted to justify the Colonies breaking away from Great Brittan. The Declaration made clear promises as to the liberties that should be given to all men, that all men are created equal, and that everyone

has the right to life, liberty and the pursuit of happiness. The Declaration set limits on the government to ensure these rights are inevitable and never taken away by the government.

The Constitution was put in place so that the rights and liberties laid out in the Declaration of Independence could be enforced. It is the document that sets forth how the new government will function. It puts limits on the government so that it cannot infringe upon the rights of the people. It gives the new government the power to guarantee the liberty of all the people. Both functions are directly tied to the Declaration.

The Declaration of Independence will remain the same as it is now, it cannot be changed. This makes it a purely historical document. The Constitution is a living document and has been and can be amended. This was by design and allows both documents to better protect the natural rights of all.

The relationship between the two documents, the Declaration of Independence and the Constitution, is one that cannot be broken. Without either of them, the history and future of the United States would have a much different blueprint. They are two of the most important and endearing documents in the history of the United States. Chief Justice Warren Burger once said, "The Declaration of Independence was the promise, The Constitution was the fulfillment". The Declaration of Independence would be an unfulfilled promise had the Constitution not been put in place.

KATE PIPHER—NEBRASKA CHRISTIAN

The Declaration of Independence and The Constitution of the United States of America share a substantial relationship because they both outline basic truths for The American People that have caused our country to thrive. To begin, the Founding Fathers argue that all rights come from a Creator, not a fallible government. Then they conclude that the purpose of the American government is to secure these God-given rights.

The Declaration of Independence recognizes there are Laws of Nature that God established. These laws are principles for what is just, right, and true. They state that all people have equal standing and dignity before God. Because certain truths are self-evident, citizens carry responsibility to self-govern. They are accountable to more than a man-made government, they are accountable to a Sovereign God.

The authors of both documents recognized they were discovering, not defining the inalienable rights of humanity. The right to Life, Liberty, and Happiness outlined first in the Declaration of Independence and then again in the 5th amendment to the Constitution are God-given. The Founding Fathers adopted a humble posture to both their Creator and a greater humanity. They understood they did not possess the power to redefine the rights of man. Their role was to defend, discover, and reveal those rights for the citizens. The Constitution's goal is to protect the inalienable rights of every individual Image-Bearer that the Declaration of Independence lays out. This is the unique, profound outlook that both documents portray.

It was no accident that the men who penned the Constitution utilized many of the terms from the Declaration of Independence. The Constitution is an attempt to mirror natural law with a civil, written law. In an ideal world, the natural law of God and the law of man would align exactly. The Founding Fathers stressed that the bent of the human heart is towards tyranny. The Declaration of Independence was an announcement that the citizens of America would not

live under tyranny any longer and desired an alternative form of government. The Constitution resulted as a document that protected the young country from inevitable tyranny.

The authors of the Constitution perceived that in order to preserve the truths laid out in the Declaration and to secure the blessings of liberty for their children and following generations, a written law was necessary. The Declaration of Independence provided a mandate for government to preserve, secure, and provide the rights our generous God bestowed upon us. The Constitution fulfilled that mandate. The "We the People" from the preamble are, in essence, the same citizens who recognized their rights from their Creator in the Declaration of Independence. Acting upon the desire to preserve these rights, they crafted two humble documents that cataclysmically shaped the course of America's history.

PATRICK COLLINS FROM MR. JOHN ROSHONE'S APUSH CLASS AT MOUNT MICHAEL BENE-DICTINE IN ELKHORN, NEBRASKA

One of the most fitting metaphors attributed to Abraham Lincoln is that of the Constitution as the silver frame that protects the golden apple of the Declaration of Independence. While it certainly is apt to say that the Constitution's framework is meant to embody the political philosophy presented in the Declaration of Independence, even more important than this overarching idea is a more specific one. Most Americans are familiar with the words "we hold these truths to be self-evident," but arguably more pertinent to the relationship between the Constitution and the Declaration is an idea only discovered through a more than cursory examination of the Declaration's less celebrated portion: the 27 grievances listed against the king of England. These grievances illustrate the ease with which the British government simply disregarded the English "constitution," wherein the rights of the people and powers of the government were often vague, unwritten traditional understandings subject to individual interpretation. The first Americans knew from experience that any document or governmental structure attempting to restrict the government and preserve the people's rights would be woefully inadequate if not written frankly and followed strictly. In that sense, the Declaration is not simply about the need for independence but even more about the ancillarity of a written Constitution in preserving the desired freedom.

Understanding the importance of adhering to a strict structure, it is eminently clear that any interpretation or judicial decision that seeks to change the original meaning of this structure is misguided. Attempting to push the Constitution in a desired direction without actually changing its words, while typically well-intentioned, betrays the ideals expressed in the Declaration and fought for in the Revolution and undermines the purpose of creating a written Constitution in the first place, and yet so many still seek to do so. Our cultural misunderstanding of this portion of the reasoning behind American independence is so pervasive that a large portion of American society truly believes that the Supreme Court has the authority to create new laws and amendments from the bench. If so many Americans continue to treat our founding documents with such flippancy, we will not even realize as our leaders begin to do the same and our Constitution effectively morphs into the vaguely understood one that the British had so long ago. We have forgotten so thoroughly the grievances that necessitated independence that we would not bat an eye if our own government were to violate the same principles

of freedom today. Our Founding Fathers would cringe to see our Constitution treated more and more like the one from which they sought so furiously to gain independence at the genesis of our nation. Thus, the Constitution is indeed a structural embodiment of those famous truths which we held then and hold now to be self-evident. However, the oft-forgotten grievances in the Declaration render the need for a government and a people that hold to the original meaning of that Constitution equally self-evident to any who dare to dig deeper.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Mississippi.

GUATEMALA

Mr. WICKER. Mr. President, yesterday the Government of Guatemala took a decisive step toward regaining sovereignty. Guatemala revoked the visas of and deported 11 U.N. personnel working for the International Commission Against Impunity in Guatemala, better known by its Spanish acronym CICIG.

Chartered in 2006 to help the Guatemalan state fight corruption, CICIG morphed into a modern-day United Nations proconsul, selectively administering justice and abusing power in ways never intended.

Voices on the political left, both here and overseas, will no doubt decry the decision by the duly constituted Government of Guatemala. I take the floor of the Senate this afternoon to state plainly my emphatic approval of this action by our Guatemalan friends.

Prior to yesterday's action, Guatemalan President Jimmy Morales had previously announced that CICIG's mandate would not be renewed after September 3 of next year. The President's decision marks a logical and welcome step toward ending CICIG's presence in Guatemala. Ultimately, an independent country has the right to decide if, and under what terms, a supranational institution can administer justice within its borders. CICIG was never meant to be permanent, and no country could accept an unending infringement on its sovereignty. Certainly, we in the United States would never consent to having an international body—accountable to no one—run our judicial system. Our Guatemalan friends have determined it is time for CICIG to leave, and they have a right as a sovereign nation to make that decision.

The initial reasons behind CICIG's presence in Guatemala cannot be disputed. Like many Latin American countries, Guatemala had suffered from pervasive corruption, and its government was in ruins from a decades-long civil war. Criminal enterprises colluded with politicians, military officers, and other government officials to bribe, cheat, and steal. Mafias, with deep tentacles into the state, acted with such impunity that Guatemala felt compelled to ask for outside help. In 2006, Guatemala and the United Nations signed an agreement meant to

“support, strengthen, and assist” Guatemalan institutions responsible for investigating crimes committed by so-called “illegal security groups” and “clandestine security organizations.” Although CICIG enjoys complete functional independence, the agreement stated that CICIG must discharge its mandate in “accordance with Guatemalan law and the provisions of the Constitution.” Regrettably, this provision has not been followed.

Despite noble goals, it has become apparent that CICIG is not being held accountable to either Guatemalan law or the United Nations. As the largest financial contributor to the United Nations, the United States has an interest in investigating the credible allegations that CICIG was grossly overstepping its mandate. After all, the American taxpayers were largely financing this enterprise.

The questionable practices of CICIG and its unelected leader have been reported in our national papers. The Wall Street Journal's Mary Anastasia O'Grady has been a close observer of Colombian jurist Ivan Velasquez, who serves as CICIG's Commissioner. Ms. O'Grady states:

Under his leadership, there is strong evidence that CICIG routinely flouts the rule of law and tramples civil liberties in violation of the Guatemalan constitution. His methods can't be supported by a republic that pledges allegiance to transparency and human rights.

Powerful institutions have a tendency to amass more powers to themselves and stretch their authority far beyond their legal mandates. Even its most strident supporters have acknowledged that CICIG now essentially answers to no one and needs to be reformed. Nowhere is this contention better supported than the CICIG-backed persecution of the Bitkov family on behalf of the Russian Government. For all its flaws, which are numerous, CICIG's decision to conspire with Russia is the most outrageous.

Igor and Irina Bitkov built a successful paper mill company, the Northwest Timber Company, in Russia's Kaliningrad enclave. This rare example of successful private enterprise in Russia was once valued at nearly half a billion dollars, but success comes with a price in Putin's Russia.

In 2005, a senior officer of the state-owned Sberbank demanded that the Bitkovs sell him a controlling stake in their company. Imagine. It is an offer the Bitkovs refused. Two years later, the Bitkovs' 16-year-old daughter, Anastasia, was kidnapped, drugged, raped, and held until the Bitkov family paid a ransom.

In April 2008, three Russian state banks—the VTB, Sberbank, and Gazprombank—forced the Bitkovs' company into bankruptcy by calling in the immediate repayment of nearly \$160 million in loans. Traumatized and threatened with detention and death, the Bitkovs decided to flee Russia. More death threats followed as Moscow opened a criminal case in 2009.

The Bitkovs eventually immigrated to Guatemala in 2009 after paying a legitimate law firm for Guatemalan passports with new identities for their protection. The Bitkovs settled into a new life that was blessedly free from Russian harassment and intimidation. Igor and Irina began teaching at a local school. Anastasia began to heal from her ordeal. A son, Vladimir, was born in 2012.

The reprieve was short-lived. VTB, one of the Russian banks, collaborated in 2015 with CICIG and the Guatemalan Attorney General to arrest the Bitkovs for passport violations. Detained in appalling conditions, Anastasia was denied medication and had a nervous breakdown. Three-year-old Vladimir was sent to an orphanage for 42 days without having contact with his parents or appointed guardians. Eventually freed by a court order and with an upper respiratory infection, conjunctivitis in both eyes, and clear physical and psychological abuse, Vladimir returned to his family. This is modern-day CICIG in Guatemala.

Under the direction of CICIG, the Bitkovs were sent to trial in February of 2017. The Guatemalan Court of Appeals, however, enjoined the Bitkovs' prosecution and stated that the family was not criminally liable for passport violations. Despite this injunction, a lower court, at the behest of CICIG, went ahead with the case and eventually sentenced Igor Bitkov to 19 years and Irina and Anastasia to 14 years in prison. Let me repeat—19 years and 14 years for passport violations. They were passports that they believed to be legitimate based on legal advice they had been given. These were infractions that are usually settled with a fine at worst, but this was all in collaboration with CICIG and the Russian accusers.

Following more convoluted legal wrangling, Igor Bitkov was released on house arrest in May, but, inexplicably, Irina and Anastasia remained in jail—more injunctions, more appeals, more tortuous legal proceedings. Irina and Anastasia were finally released on bail in mid-June. This is CICIG in Guatemala. Pushed by CICIG, the Constitutional Court, which is the highest court in Guatemala, ordered a retrial for the Bitkovs. It began last week and supposedly continues.

American taxpayers who are footing the bill for CICIG have a right to ask Commissioner Velasquez and his CICIG team: Is this the way to fight corruption in Guatemala? In short, CICIG, under the direction of Commissioner Velasquez, has gone from fighting corruption to doing Vladimir Putin's dirty work even. He has gone even so far as to persecute victims, like the Bitkovs, of corruption.

The Bitkov affair demonstrates how badly CICIG has gone astray and why President Morales is right to want it out of his country. CICIG was established to help investigate and prosecute Mafias who were entrenched in the state and able to act with impunity. Yet it gets involved in a passport

violation case against a family that is clearly fleeing Russian persecution.

CICIG is supposed to be above reproach. Yet it collaborates with a state-owned Russian bank that, incidentally, is currently under U.S. sanctions. The CICIG is doing the bidding of Putin's henchmen in its acting as the long arm of Russia's dictatorship. The intervention of a Kremlin-controlled bank shows that influencing CICIG is a part of the Kremlin's broader campaign to exert pressure across Latin America, and we ought to be concerned about that.

Earlier this month, in the Wall Street Journal, Ms. O'Grady wrote that the creeping intervention from Moscow is designed to damage U.S. interests by destabilizing liberal democracy.

ADM Craig Faller, the commander of the U.S. Southern Command, told the Senate Armed Services Committee that Russia is flooding Latin America's internet, social media, and television outlets with original and reproduced propaganda to sow doubt about U.S. intentions. Russia has also provided crucial financial support to the infamous Maduro regime in Venezuela, and it competes with the United States to provide military support for regional partners.

Another strategic competitor, China, is also seeking to influence important U.S. partners in Latin America. China has provided more than \$140 billion in Belt and Road Initiative loan commitments. Beijing is now Latin America's second largest trading partner.

Although CICIG once played a significant role in exposing and prosecuting serious corruption, it has now fallen victim to Lord Acton's famous observation—that power tends to corrupt and absolute power corrupts absolutely.

President Morales has made a decision, as the duly elected head of a sovereign country, that he will no longer tolerate an increasingly neocolonial force. The United States should stand behind this decision. The CICIG was never supposed to stay indefinitely.

This move by the Guatemalan Government does not absolve its own responsibility to fight corruption. Indeed, we should demand a redoubling of these efforts. As a critical country in the Western Hemisphere, a return to pre-CICIG conditions would be unacceptable. This is the chance for Guatemalans to work toward the justice that CICIG abandoned with its complicity in Moscow's vendetta. This should begin with an end to the Bitkov family's long nightmare. Their ordeal has gone way beyond a miscarriage of justice, and with CICIG's being gone, Guatemala must do the right thing without further delay or excuse.

In conclusion, the duly constituted Government of Guatemala has made the right decision and should be congratulated for yesterday's action. The country's leadership took a necessary step in asserting its sovereignty and in ending a dysfunctional relationship

with CICIG, a well-intended agency that has exceeded its mandate and outlived whatever usefulness it may initially have had.

I yield the floor.

The PRESIDING OFFICER (Mr. WICKER). The Senator from Colorado.

RECOGNIZING OUR MEN AND WOMEN IN LAW ENFORCEMENT

Mr. GARDNER. Mr. President, I come to the floor to honor our men and women in law enforcement. As Members of Congress and their staffs head home this holiday season, we must remember the sacrifice of those who make our communities safe, those who make our safety possible.

This year, across the United States, 143 law enforcement officers have paid the ultimate price.

In Colorado, we honor three fallen officers. We honor Deputy Sheriff Heath McDonald Gumm, whose final act was to bravely pursue an armed suspect. We will never forget the courage and bravery of his action. We honor Deputy Sheriff Micah Lee Flick, who was killed in the line of duty in February of this year after serving in the El Paso County Sheriff's Office for 11 years. We also honor the memory of Sergeant Matthew Moreno, who was killed in the line of duty in Las Animas County just last week. He was responding to reports of domestic violence when his cruiser and that of another officer's crashed into a civilian's vehicle that was headed in the opposite direction. Unfortunately, the occupants of the other vehicle, including a 1-year-old child, also lost their lives.

The pain of losing loved ones this close to the holidays is unimaginable.

Sergeant Moreno ends his watch after having served honorably for 5 years. He is survived by his loving family, including his three beautiful children, Summer, Morgan, and Jared. He has been described as being a superhero to his kids. It seems very fitting given the bravery that he showed throughout his career. He is also remembered for his sense of humor and his love for hunting and fishing—something all Coloradans can relate to. Our prayers are certainly with Sergeant Moreno's family and with the families of those in the other vehicle. I also offer my sincere condolences to the entire Las Animas County Sheriff's Department. The officers have not just lost a fellow officer but a brother.

All of the officers whom we lost this year were neighbors, beloved family members, and extraordinary Coloradans who gave their lives to protect their communities. Although the need is great, so few of us are blessed with the level of bravery and courage shown each and every day by the men and women in law enforcement.

As we all enjoy the warmth of this holiday season, law enforcement officers around the country will stand guard in cold and uncertain streets. This includes the selfless men and

women who serve right here in the U.S. Capitol, who work through the holidays to ensure that every American who visits the Nation's Capitol can do so safely. It is important that we keep them in our thoughts as we gather with family and friends this holiday season to celebrate.

I would also like to take a moment to thank the families of these brave men and women whose sacrifices must not be forgotten. They endure time apart from their loved ones so that families, like millions across this country, will know peace and security during their holiday celebrations.

When thinking about the brave men and women who defend that thin blue line, I am always reminded of the words of LTC Dave Grossman, who said, "American law enforcement is the loyal and brave sheepdog—always standing watch for the wolf that lurks in the dark." It is my hope that the thoughts and prayers we all offer to those who wear the blue uniform will bring them comfort as they carry out this solemn duty. I am thankful for their service and thankful to their families for their continued sacrifice.

I am also reminded of the words of Joe Rice, a former State legislator in Colorado, with whom I served. He served multiple tours in Iraq and Afghanistan and wrote how he prays for his fellow soldiers and their safety each and every day by saying and praying:

For all of those around the world in harm's way, we pray with you. Please God, just not today.

Each and every day, we echo that same prayer.

Thank you to the men and women in blue.

I also thank my colleague from New Jersey, Senator MENENDEZ, for allowing me to speak out of turn. I greatly appreciate it.

I thank the Presiding Officer for taking the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from New Jersey.

CLIMATE CHANGE

Mr. MENENDEZ. Mr. President, I am going to be shortly joined by my distinguished colleague from Rhode Island, Senator WHITEHOUSE, for an exchange we will have, but in order to preserve the time on the floor, I will start.

I come to the floor today to once again join the Senator from Rhode Island in calling attention to the crisis that is climate change. I want to thank my friend Senator WHITEHOUSE for his passion, his persistence, and his refusal to let the Senate be silent in the face of one of the greatest threats to ever confront our Nation and the world.

Some say we can't afford to invest in clean, renewable, American-made energy. I say we cannot afford not to. The fact is, every year that goes by without a comprehensive strategy to reduce the

carbon pollution responsible for warming our planet is another year in which the Federal Government of the United States fails to protect future generations from the immense environmental, economic, and human costs inflicted by climate change.

I yearn for the day that this body summons the courage to stand up to the special interests and boldly confront this challenge, for the longer we wait, the more expensive and the less effective we will be. And if you don't believe me, just look at our National Flood Insurance Program, which is already in dire need of comprehensive, forward-thinking reform.

I have spent the better part of the past 2 years bringing Democrats and Republicans together in support of such a plan. Yet the majority has stubbornly refused to debate our legislation, forcing us to pass short-term reauthorizations that preserve a broken status quo. Like the totality of the climate threat, when it comes to flood insurance, every time we kick the can down the road, the can only gets heavier.

For our coastal and inlet communities, climate change isn't some far-out problem; it is here. We are already feeling the effects and bearing the costs in the form of rising sea levels and increasingly powerful storms. Even if the President of the United States suddenly reversed course and put America on a path to slow our changing climate, we would still need to address how we manage a heightened risk for flooding. From fishing, to tourism, to trade and so much more, the fact is, America's coastal communities are vital to our long-term economic competitiveness, and to give up on them in the face of rising sea levels would be to give up on our country.

According to the Union of Concerned Scientists, sea level rise will put an estimated 325,000 homes and businesses, worth more than \$135 billion, at risk of chronic flooding in the next 30 years. With increased risks for flooding comes a whole host of challenges. Falling property values will further strain local budgets, leading to downgraded government credit ratings. As communities lose out on approximately \$1.5 billion in property taxes per year, hard-working taxpayers will feel the pain. It will cut away at middle-class families' most valuable asset, the foundation of their financial nest egg, which is their home.

According to a paper published by the University of Pennsylvania Libraries, "As sea level rise manifests along the coasts—reducing property value—impacts on revenue will present new challenges in servicing debt . . . and present a greater probability of default by local government."

We cannot simply keep spending money to preserve the status quo. We need a system for managing flood risk that pushes our country toward resiliency and treats our people and the communities they live in fairly. But,

unfortunately, we have remained at an impasse for over a year now, unable to fix a program that we all know is badly broken.

We in New Jersey witnessed firsthand the pervasive problems plaguing the National Flood Insurance Program—or what we call NFIP—after Superstorm Sandy hit in 2012. It was bad enough that so many New Jerseyans had to grapple with the heartbreaking loss of their homes in the wrath of Sandy, so it made my blood boil to see the suffering compounded by a badly broken flood insurance program. We found ourselves lost in a system that put the policyholder last and that looked for every reason to deny legitimate claims and made up some when they didn't exist. We had homeowners who found the foundations of their homes had washed away into the ocean, only to have their claim denied because their insurance company claimed it wasn't floodwaters but moving soil that caused the damage. The insurance adjuster didn't stop to consider that maybe it was the 5-foot storm surge that moved the soil in the first place.

This is a photograph of Doug Quinn, who served honorably in the U.S. Marines. He is a constituent whom I have gotten to know very well and who got snagged by this very loophole. As you can see from this picture, the storm surge from Sandy inundated his home, and it ripped apart his foundation, leaving a large hole in his living room. But despite paying his flood insurance premiums for years and despite serving our Nation honorably as a U.S. marine, Doug's claim was denied. Supposedly it was Earth movement, but the Earth never moved until the 5-foot storm surge came along.

We saw mitigation programs that were so cumbersome and delayed that many homeowners simply gave up. We had new flood maps come online that were 80 percent inaccurate in some counties. We had FEMA using taxpayer dollars to drag homeowners through expensive litigation until they gave up on their flood claims.

The struggles of everyday New Jerseyans revealed to me the dramatic shortcomings in our Flood Insurance Program and left me determined to fix them, so I began working on flood insurance reform that took the lessons we learned after Sandy and turned them into action.

In the summer of 2017, I introduced the Sustainable, Affordable, Fair, and Efficient—or SAFE—NFIP Act, which is a comprehensive flood insurance reform bill cosponsored by four Democrats and three Republicans here in the Senate. I know this town already has too many acronyms, but this one clearly spells out the first major goals we have in this bill. We want the NFIP—the National Flood Insurance Program—to be sustainable, we want it to be affordable, we want it to be fair, and we want it to be efficient.

Let's start with sustainability. We have to put the NFIP on the path to solvency.

Since Katrina in 2005, the NFIP has been in the red, borrowing from the Treasury Department to pay claims. Some say that we should just jack up the premiums on homeowners and keep charging more to get at this imbalance; that if we ask homeowners to pay more and more and more, eventually the NFIP will have enough money to pay all of the claims without borrowing. But higher premiums alone are not the answer. Of course we want everybody to pay their fair share, but the undeniable reality is that the more we raise the premiums, the more homeowners leave the National Flood Insurance Program altogether, and that guarantees the program's failure.

Instead of looking simply to raise prices, I want to focus on reducing costs. I believe the best way out of this hole is to make proactive investments in resiliency and mitigation to reduce the damage in the first place. In other words, we must build coastal communities that are resilient and strong, so the damage inflicted by the storms of the future is less expensive to recover. That is why the SAFE NFIP Act includes \$1 billion-per-year in mitigation funding and more than triples the maximum increased cost of compliance—or the ICC—grant from \$30,000 to \$100,000.

We also require that this funding be spent more wisely, allowing homeowners to use ICC grants before their house is destroyed. I have never understood why we require homeowners to sit in harm's way and wait for the next storm to come before we help them reduce their flood risk. It makes no sense. Our bill would fix that. By giving Americans the tools to reduce their risks, we can save the NFIP and the taxpayer billions of dollars.

Our legislation also goes after wasteful private insurance company fees, which consume about 30 cents of every premium dollar, despite taking on none of the risk. That is good business if you can get it. Don't get me wrong—that is good business if you can get it, and I have no problem with private companies making a profit, but every dollar they make comes from the pockets of policyholders.

The NFIP also currently pays about \$400 million in interest every year. That is 10 percent of its annual premiums—money that could be going toward flood prevention and mitigation. That is why our bill freezes interest payments on the NFIP debt and redirects that funding toward mitigation. Rather than paying interest to ourselves and forcing the NFIP to borrow even more, let's use that money to reduce future damages, save taxpayer dollars, and build safe communities.

We cannot have a solvent and sustainable flood insurance program if it isn't affordable to the people who depend on it. The NFIP's debt and major hurricanes have put upward pressure on premiums, making it more and more expensive to get coverage. So it is no surprise that a lot of people have been forced to drop their flood insurance.

Indeed, in the face of rising premiums, the NFIP has lost more than 650,000 policies—or over 10 percent of its total business—just since 2009. Has the risk of flooding decreased since 2009? Absolutely not. Are there fewer homes in floodplains now? No, of course not. By way of example, when you consider the floods that struck Louisiana and Texas and New Jersey in recent years, the answer is an unequivocal no. What is happening is that the premiums have just gotten too expensive for middle-class families to afford. At the end of the day, this also hurts the solvency of the NFIP because, just like every other insurance model, a small pool means a more risky, more expensive pool.

Our bill creates a first-of-its-kind, means-tested affordability program that helps middle-class and working families afford flood insurance. Pricing families out of coverage and leaving them without a way to protect their homes does nothing to address the underlying risk. On the contrary, it will be taxpayers who ultimately assume the risk when they are asked to fund uninsured disaster assistance.

It is our responsibility to taxpayers to make the NFIP as fair and as efficient as possible. I have no doubt that hundreds, if not thousands, of New Jerseyans dropped their flood insurance after Sandy because of how they were treated. They faithfully paid their premiums for years, often decades, without filing a single claim. Then, when Sandy struck and they tried to collect what they were entitled to, they had to suffer another disaster. This time it was a manmade one—the storm after the storm. After losing everything they had worked for their entire lives, they had to fight against an insurance company and a daunting Federal bureaucracy. Some appealed, some sued, and some just gave up.

I pledged to them I would never let this happen again. Our legislation makes good on that promise by putting the customer—in this case, the policyholder—first.

We close notorious loopholes that allow insurers to deny claims, such as the infamous earth-movement exclusion when we know floodwaters caused the damage.

We fix the appeals process, enforcing FEMA's own deadline to respond to homeowners and giving people who just went through a disaster more time to file their appeal.

We require engineer studies to be conducted by—imagine this—actual, licensed engineers in the State where they are operating.

We require insurance companies to provide policyholders with all of the documents used to process their claims so that homeowners aren't left in the dark.

We end the practice of private insurance companies spending hundreds of millions of policyholder premium dollars on private attorneys whose main goal is to bill as many hours as pos-

sible to ultimately deny the policyholder any resource.

Taken together, these reforms will not only give policyholders a fair shake, they will also save the NFIP resources that can be better directed to mitigation, and to mapping, and to other cost-saving investments.

We have to recognize that the NFIP and its 5 million policyholders can't solve all of our Nation's flooding problems on their own. We need to invest tens of billions of dollars elevating and buying out flood-prone properties that get hit year after year, those particularly repetitively lost properties. We need to incentivize homeowners who ultimately will get out of those flood-prone properties so that they are not subject to the consequences of constantly getting flooded and we collectively are not subject to the incredible costs that are a result of that.

There simply aren't enough resources in the NFIP to even put a dent in this problem. So instead of spending hundreds of billions of dollars on disaster grants each time a storm strikes, why not spend a fraction of that on the front end that will yield real dividends in the future? When a disaster strikes, our immediate priority should always be to save lives and get survivors back to a sense of normalcy as quickly as possible.

While recovery funding is absolutely vital, it shouldn't be at the expense of rebuilding stronger, more resilient communities more capable of weathering the next storm.

We have a problem in Congress of short-termism: living in the present and not looking ahead. We are afraid of making tough political decisions in the present, even when the future is on the line. We see it with flood insurance, and we see it with climate change.

The American people desperately need Congress to overcome this short-sighted short-termism. We must start thinking beyond the storm that just hit or even the one that is on the horizon. We must begin thinking about the risk over the next several decades because flood risk is a climate risk we cannot afford to ignore. We must think about what kind of future, what kind of environment, what kind of economy we want to leave to our children and our grandchildren.

It should not matter who controls the House, who controls the Senate, or who sits in the White House. The Americans of tomorrow are depending on us, the leaders of today, to be bold, unafraid, and willing to think big. That is why I hope Republicans and Democrats alike will continue to work with me on the issue of flood insurance and flood prevention when we return in 2019.

I thank, as I said at the beginning of my comments, my distinguished colleague from Rhode Island who has really been the conscience of the Senate on this issue of climate change that affects not only those of us now here but future generations of Americans. I

have taken one slice of that in talking about the National Flood Insurance Program and how we can mitigate our way and look to a set of circumstances in which we can save enormous consequences for New Jersey families and families across our country and save the taxpayers' money. But the ultimate savings in this is beyond a new flood insurance program. It is making sure that we don't continue to see the climate change that has taken place, which creates the storms that my State endured—Superstorm Sandy—and other major superstorms across the Nation that put us at risk as a people, that put our economies at risk, that really threaten the very essence of our existence as we know it.

I appreciate the distinguished Senator from Rhode Island leading us in this regard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am very grateful to the distinguished senior Senator from New Jersey for joining me again this week to bring attention to the challenges that climate change and rising seas pose for our coastal communities. Our States—New Jersey and Rhode Island—shared the unforgettable experience of Superstorm Sandy, which roared ashore on higher tides and warmer oceans. We know, in New Jersey and Rhode Island, how vulnerable we are.

As sea levels rise and storms intensify, the National Flood Insurance Program should be one of our government's best tools to educate and prepare our communities for the changes that carbon pollution is driving to our coasts. But the program falls well short of this basic goal. Instead of tackling its shortfalls head-on, ahead of the next big storm, for instance, we are getting set to punt again on the Flood Insurance Program.

My Ocean State, much smaller than New Jersey, has 400 miles of coastline threatened by sea level rise and storm surge flooding, so telling homeowners and coastal businesses that we will get to it eventually is not good enough. Our coastal risk is growing, not shrinking.

A 2017 Zillow chart shows that over 4,800 homes in Rhode Island—4,800 families' homes—valued at nearly \$3 billion would be under water by 2100, using an optimistic assessment of only 6 feet of sea level rise. Rhode Island's Coastal Resources Management Council is now planning for our State to see up to 9 to 12 feet of sea level rise by then. New Jersey, of course, has even more at risk with its bigger shoreline, with over \$93 billion worth of property predicted to fall to rising seas.

This problem does not wait until the year 2100. It hits earlier. It hits as soon as 30-year mortgages and insurance get hard to come by because banks and insurers foresee these risks, and that inhibits buyers, so prices fall—perhaps prices even crash, as Freddie Mac is predicting.

Last year, GAO reported that coastal areas face particularly high financial risks and that annual coastal property losses from sea level rise and increased storms will run into the billions of dollars every year in the short run and over \$50 billion every year by late century. GAO pointed to an EPA estimate of \$5 trillion in economic costs to coastal property from climate change through 2100. Our coastal States can't laugh that off because it makes the oil industry uncomfortable to talk about climate change.

Investors, creditors, appraisers—everybody who works coastal markets—is taking notice. Last December, the credit rating agency, Moody's, adopted indicators "to assess the exposure and overall susceptibility of U.S. states to the physical effects of climate change." This is Moody's. Moody's looks particularly at coasts and at the share of a State's economic activity generated by its coastal communities. It counts the homes built on flood plains, and it counts the risk of extreme weather damage as a share of the local economy.

The managing director at Moody's told the Chicago Tribune that Moody's would be taking these risks into consideration when evaluating the credit ratings of coastal municipalities and States.

Property appraisers are also starting to incorporate these risks into their work. The Appraisal Institute's Valuation magazine quoted Rhode Island appraiser Brad Hevenor's warning that homes that receive a 30-year mortgage today "might be completely different types of property [by the end of their mortgage] than they are today." He points out, as Senator MENENDEZ pointed out, that FEMA flood maps are defective, backward-looking, and often insufficient at accurately predicting risk for communities and homeowners.

My frustrations with FEMA's flood risk maps are no secret. They are notoriously inaccurate, incomplete, and outdated. The Agency's modeling is often based on inaccurate data and on methodology from the 1970s. It has proven particularly incapable of accurately capturing the different wave and dune dynamics that determine real flood risk along coasts during major storms.

The Rhode Island Coastal Resources Management Council, a small State agency, has had to develop its own models to provide better risk information to coastal residents and communities than FEMA provides. The contrast between the State's work and FEMA's maps highlights just how costly and potentially life-threatening reliance on FEMA's maps can be.

This map is FEMA's map relative to mean sea level for a 100-year storm hitting Charlestown, RI. Here is the code as to how much flooding to expect. The worst flooding for the homes that surround Ninigret Pond, along Rhode Island's southern coast, looks to be around 14 feet around this area here.

This map shows the CRMC's prediction for the same area for the same storm. It projects that homes in this same area may see closer to 20 feet of floodwaters, which means FEMA's map is underestimating flood risk by 6 feet.

It is not just errors in Rhode Island. Rice University and Texas A&M found that FEMA flood risk maps captured only about 25 percent of the actual damage from storms that hit Houston between 1999 and 2009—25 percent. According to the Houston Chronicle, more than half of homes damaged by Hurricane Harvey were not listed in any flood risk areas, meaning they were not required to have flood insurance or meet any flood risk mitigation building codes.

Congress continues to fund these maps on the cheap, leaving Americans to bear the risk of antiquated models that don't reflect the changes that climate change is bringing to our coasts. Families are forced to endure the repeated damage and destruction of their homes, and taxpayers are made to pay the cost of over and over and over rebuilding the same building in the same place that is already washed away.

After Hurricane Harvey in 2017, the Flood Insurance Program hit its \$30 billion borrowing limit. We maxed out. So in October of 2017, Congress had to forgive \$16 billion worth of debt to free up money to pay off claims for Harvey, Irma, and Maria. The program is currently at least \$20 billion in debt, and claims from the 2018 hurricane season are still being processed. The Congressional Research Service, as of September 2018, found that the program had only \$9.9 billion of remaining borrowing authority.

It is time to get serious about reforming this broken system and reform it for a changing climate and for changing coasts—the things we know are coming at us. The current system often leaves homeowners no option but to rebuild the same building in the same place on the flooded property. CRS estimates that only about 2 percent of current NFIP-related properties are considered repetitive loss or severe repetitive loss properties—only 2 percent, but that 2 percent accounts for 16 percent of claims, \$9 billion. Over the life of the NFIP, those repetitive loss or severe repetitive loss properties have totaled around 30 percent of all claims, about \$17 billion.

Insurance should allow homeowners to walk away from flood-torn structures and go find new, safer homes. Currently, only States or municipalities can use FEMA to arrange buyouts of flood-prone properties. FEMA then provides up to 75 percent of funding for the local government to buy the property at fair market value, and then it becomes open space. But the buyout process is cumbersome, it is bureaucratic, it is not in the hands of the homeowners, and it doesn't get much use. How many mayors and city councils want to buy out and turn to public use valuable property that is a part of

their tax base and encourage folks, potentially, to leave?

The flood program should work with communities to plan for cost-effective resiliency to flooding, whether it is elevating properties, moving homes, or retreating from rising seas. Homeowners should have these options. It is willful blindness to ignore this problem as seas continue to rise and storms become more unpredictable and ferocious, and it is even worse when you compound it with false and erroneous mapping so that the warnings to these families are wrong.

Property owners and communities deserve proper warning about the flood risks they face, and they deserve alternatives to simply rebuilding the same building in the same place so that it can be flooded again and again and again, which the program now forces them to do.

With so much at risk for American families, it is time to wake up and put in place a smart and reliable system once and for all.

I yield the floor, with my gratitude to the distinguished senior Senator from New Jersey in joining me here today.

THE PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF CHAI FELDBLUM

Mrs. MURRAY. Mr. President, I come to the floor today to raise concerns about the unprecedented and partisan obstruction of a highly qualified nominee to a critical agency.

In this country, it is illegal to discriminate against someone in the workplace because of the traits that make them who they are—their race, religion, sex, disability, and more—and it is the Equal Employment Opportunity Commission's responsibility to enforce those laws and give every person the opportunity to make a living for themselves without fear of discrimination or harassment.

Right now, a single Republican Senator is threatening to derail the confirmation of Ms. Feldblum for another term on the EEOC. Ms. Feldblum has served two terms on the EEOC, where she has earned the respect of her professional colleagues on both sides of the aisle. She has strong support from Republicans and Democrats in the Senate, and she has been confirmed by this Senate twice.

When it comes to independent boards and commissions, including the EEOC, the Senate has a longstanding practice of pairing nominees—one from the majority party and one from the minority party. This is so important because it allows the minority party the opportunity to have a voice. In this case, it allows my Democratic colleagues and me to ensure that employers are held accountable for workers' rights and safety on the job. This practice is also important to bipartisanship in the Senate. Part of that longstanding practice is that the majority cannot railroad

the nomination of a well-respected and well-qualified individual chosen by the minority.

If Ms. Feldblum's nomination is blocked by this Congress, it will be an unprecedented power grab by the majority that would permanently shift the balance of power in the Senate. I hope all of my colleagues take seriously what it would mean if yet another power of the minority in the Senate was taken away. Most importantly, if one Republican Senator insists on blocking Ms. Feldblum's nomination, the work of the Equal Employment Opportunity Commission—an agency workers rely on to protect their rights and safety on the job—is going to come to a grinding halt.

Over the past 2 years, we have seen a shift in this country toward acknowledging and taking action against sexual assault and harassment, especially in the workplace. For far too long, this epidemic of powerful men taking advantage of their subordinates, employees, or those without a voice was swept under the rug. Women and men were told to brush it off or have a sense of humor or just endure the harassment or abuse they were facing in the workplace. Many did because they knew they would be punished, retaliated against, or even fired.

After the Presidential election and the Women's March, when so many women and men around the country made their voices heard and fought back against misogyny, sexism, racism, and tilted the playing field that has favored those at the top for too long, we started to see women and men bravely come forward at a level we have never seen before to say "no more" and to speak out against their experiences of sexual assault and harassment in the workplace.

Because of that courage, a lot of powerful men in Hollywood, in the media, and in Congress have finally been held accountable for their actions, especially when it came to using their power to take advantage of younger or less powerful women and men.

For women and men in industries outside the spotlight—in hospitality, in technology, in farm fields, and in so many offices and workplaces around the country—there has not been the same kind of reckoning. For many of those workers, the EEOC is one of the very few places they can turn to. The EEOC is a resource for workers who need to file complaints of harassment or discrimination. It holds employers and businesses accountable for widespread discrimination and harassment.

Again, because of the objection of a single Republican Senator, it is possible now that the EEOC will be unable to conduct some of its most critical work. Here is what that means for workers in our country. The EEOC would no longer be able to bring some large cases when discrimination is part of employers' general operating standards. That often includes hiring practices, equal pay, or sexual harassment.

It means workers will not be able to file complaints to stop what happened to them from happening to anyone else.

The EEOC would not be able to rule in cases where the Commission has not previously taken a position and a new policy must be created, and regional EEOC offices would not be able to hire expert witnesses in some cases, meaning that many cases would be stalled or even punted.

This is not hypothetical. Without a quorum—without a quorum—the EEOC would not have been able to participate in the 2016 case against a tire company that refused to hire women for field positions. After the EEOC intervened, that company settled with 46 women and implemented safeguards to prevent further discrimination. The EEOC also would not have been able to participate in a case against the outdoor store that discriminated against African Americans and Hispanic workers in hiring practices and retaliated against workers who stood up against unlawful practices.

Workers around the country rely on the EEOC every day to intervene when they are being harassed, discriminated against, or unfairly treated at work. Whether they are being told they must work on their day of religious observance or being told they cannot do a certain job because of their sex, the EEOC is there for them.

In this moment when sexual assault and harassment in the workplace are at the forefront of our national conversation, this is the wrong message to send to the American workers and their employees. We need to prove to the millions of women and men that we are taking the epidemic of harassment in the workplace seriously.

I have spoken to many of my colleagues on both sides of the aisle to make the case for confirming Ms. Feldblum before the end of this Congress. There is strong support on both sides of the aisle to get this done, with the exception of one lone Republican Senator.

I urge my colleagues across the aisle to push aside this unprecedented obstructionism, and I call on the Senate to move forward with confirming the full slate of nominees to the EEOC before this Congress ends so the Commission can continue to fulfill its duty to workers by enforcing protections and ensuring people are able to go to work and make a living without the fear of discrimination, harassment, or abuse.

I hope that as we are confirming the EEOC nominees, the Senate will also confirm Mark Pearce to another term on the National Labor Relations Board. Like the EEOC, the Senate has a long history of confirming majority and minority members to the Board in pairs. However, this year, Senate Republicans jammed through the majority members without reconfirming Mr. Pearce, allowing a minority seat to sit empty.

Mr. Pearce is extremely qualified and has a long track record of serving his

country for 8 years now as a member of the Board. He has a distinguished background representing unions and workers. Right now, when the Republican Board members are rushing decisions through that chip away workers' rights, even violating ethics pledges to do so, it is clear that the Board could benefit from his knowledge and expertise and voice for workers.

As I have told my colleagues across the aisle, I will not allow the Senate to jam through any HELP Committee nominees until Mr. Pearce and Ms. Feldblum are reconfirmed to their positions on the Board and the EEOC.

UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of PN 1318 and the Senate proceed to the en bloc consideration of the following nominations: PN 1318, Executive Calendar Nos. 379 and 381; and that the Senate vote on the nominations en bloc with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, reserving the right to object, I first want to note that it has been suggested that there is only one objection to Chai Feldblum's nomination to the EEOC. That is not true. I am among those objectors; I am not the lone objector.

My objection to this nominee relates to my belief and religious freedom. You see, religious freedom is very important to me. I am the descendant of people who were ordered exterminated by the Governor of Missouri on October 27, 1837. Religious intolerance cannot be tolerated in this country, and I see a growing wave of religious intolerance. I see a growing wave of sentiment of people suggesting that on the basis of people's religious beliefs, they can be subject to adverse government decision-making.

Ms. Feldblum has written that she sees a conflict between religious belief and LGBT liberty as "a zero-sum game" where "a gain for one side necessarily entails a corresponding loss for the other side." I see no reason why that should be the case, and I think that is fundamentally incompatible with our Nation's long tradition of pluralism and religious freedom.

Make no mistake—there is no mystery about which side Ms. Feldblum thinks should win. In a separate speech, she said: "There can be a conflict between religious liberty and sexual liberty, but in almost all cases, the sexual liberty should win. . . . I'm having a hard time coming up with any case in which religious liberty should win."

I find these remarks stunning, especially because an entire amendment to the U.S. Constitution—the very first one, by the way—is devoted to religious liberty. These are not the words

of an open-minded jurist. These are not the words of an open-minded lawyer. These are the words of an activist intent on stamping out all opposition to her cause. In fact, she has even said as much. She said: “[G]ranting liberty to gay people . . . cannot be adequately advanced if ‘pockets of resistance’ are permitted to flourish.” Who is she to decide whether someone should be permitted to persist in their own religious belief simply because those beliefs happen to conflict with a particular political world view?

As an EEO Commissioner, Ms. Feldblum would be in a prime position to stamp out those pockets of resistance. She herself has noted:

The EEOC has jurisdiction only over employment. But other Federal agencies that enforce sex discrimination provisions often look to our interpretation for guidance in interpreting the laws they enforce.

The Federal Government should never be used as a tool to stamp out religious liberty—that principle which is so central to our Nation’s founding and to human happiness itself. It is so important that we have to stand behind it. Ms. Feldblum, however, wants to deny exactly that. On that basis, I object to her confirmation.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. LEE. Mr. President, I offer up a counteroffer. I am fine with the other two EEOC Commissioners. If that is what we are worried about—the ability of the EEOC to do its business—fine. I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 379 and 381; and that the Senate vote on the nominations en bloc with no intervening action or debate

Mr. President. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from New Hampshire

Ms. HASSAN. Mr. President, I rise today to join my colleagues in urging approval of Chai Feldblum. The EEOC is a vital bipartisan agency that enforces workers’ civil rights and helps protect them from harassment and discrimination while on the job. The EEOC has long operated with bipartisan support and requires a quorum of its five members to decide the cases before the Agency—cases which include racial discrimination, gender discrimination, age discrimination, and the abuse of people who experience disabilities. As my colleague from Washington noted, it decides cases of sexual harassment as well.

In short, the EEOC operates to protect hard-working people who want a fair shot in the workplace. Blocking this nominee prevents the EEOC from carrying out the work it is tasked to

do. It is bringing an unnecessary level of partisanship to a previously bipartisan process.

Ms. Feldblum is a highly qualified nominee. She has already been confirmed to the EEOC twice by the U.S. Senate, receiving support from Democrats and Republicans alike. She is also the first and only openly LGBTQ person to serve on the Commission.

After being nominated by President Trump for another term last year, it is time that we finally move forward with Ms. Feldblum’s nomination. We need to stop these games, and we need to allow the EEOC to fully carry out its duties.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

WOMEN’S ENTREPRENEURSHIP AND ECONOMIC EMPOWERMENT ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 683, S. 3247.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3247) to improve programs and activities relating to women’s entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, 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 “Women’s Entrepreneurship and Economic Empowerment Act of 2018”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Because women make up the majority of the world’s poor and gender inequalities prevail in incomes, wages, access to finance, ownership of assets, and control over the allocation of resources, women’s entrepreneurship and economic empowerment is important to achieve inclusive economic growth at all levels of society.

(2) Research shows that when women exert greater influence over household finances, economic outcomes for families improve, and childhood survival rates, food security, and educational attainment increase. Women also tend to place a greater emphasis on household savings which improves family financial resiliency.

(3) A 2016 report by the McKinsey Global Institute estimated that achieving global gender parity in economic activity could add as much as \$28,000,000,000,000 to annual global gross domestic product by 2025.

(4) Lack of access to financial services that address gender-specific constraints impedes women’s economic inclusion. Roughly 1,000,000,000 women around the world are currently left out of the formal financial system, which causes many women to rely on informal means of saving and borrowing that are riskier and less reliable.

(5) Among other consequences, this lack of access hampers the success of women entrepreneurs, including women who are seeking to run or grow small and medium-sized enterprises.

The International Finance Corporation has estimated that 70 percent of women-owned small and medium-sized enterprises in the formal sector are unserved or underserved in terms of access to financial services, resulting in a financing gap of \$300,000,000,000 for women-owned small businesses.

(6) *Women’s economic empowerment is inextricably linked to a myriad of other women’s human rights that are essential to their ability to thrive as economic actors across the lifecycle, including—*

(A) *living lives free of violence and exploitation;*

(B) *achieving the highest possible standard of health and well-being;*

(C) *enjoying full legal and human rights, such as access to registration, identification, and citizenship documents;*

(D) *benefitting from formal and informal education;*

(E) *equal protection of and access to land and property rights;*

(F) *access to fundamental labor rights;*

(G) *policies to address disproportionate care burdens; and*

(H) *business and management skills and leadership opportunities.*

(7) *Discriminatory legal and regulatory systems and banking practices are obstacles to women’s access to capital and assets, including land, machinery, production facilities, technology, and human resources. These barriers are often connected to a woman’s marital status, which can determine whether she is able to inherit land or own property in her name. These constraints contribute to women frequently running smaller businesses, with fewer employees and lower asset values.*

(8) *Savings groups primarily comprised of women are recognized as a vital entry point, especially for poor and very poor women, to formal financial services. There is a high demand for such groups to protect and grow the savings of women with formal financial institutions.*

(9) *Evidence shows that, once a saving group is linked to a bank, the average savings per member increases between 40 to 100 percent and the average profit per member doubles. Investing in financial literacy, business leadership training, and mentorship are key elements to these outcomes.*

(10) *United States support for microenterprise and microfinance development programs, which seek to reduce poverty in low-income countries by giving small loans to small-scale entrepreneurs without collateral, have been a useful mechanism to help families weather economic shocks, but many microcredit borrowers largely remain in poverty.*

(11) *The vast majority of microcredit borrowers are women who would like to move up the economic ladder, but are held back by binding constraints that create a missing middle—large numbers of microenterprises, a handful of large firms or conglomerates, and very few small and medium-sized enterprises in between, which are critical to driving economic growth in developing countries.*

(12) *According to the World Bank, small and medium-sized enterprises create 4 out of 5 new positions in emerging markets, but approximately 50 percent of formal small and medium-sized enterprises lack access to formal credit. The financing gap is even larger when micro and informal enterprises are taken into account. Overall, approximately 70 percent of all micro, small, and medium-sized enterprises in emerging markets lack access to credit.*

SEC. 3. ACTIONS TO IMPROVE THE INTERNATIONAL GENDER POLICY OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) *GENDER ANALYSIS DEFINED.—In this section, the term “gender analysis”—*

(1) *means a socioeconomic analysis of available or gathered quantitative and qualitative information to identify, understand, and explain*

gaps between men and women which typically involves examining—

(A) differences in the status of women and men and their differential access to and control over assets, resources, education, opportunities, and services;

(B) the influence of gender roles, structural barriers, and norms on the division of time between paid employment, unpaid work (including the subsistence production and care for family members), and volunteer activities;

(C) the influence of gender roles, structural barriers, and norms on leadership roles and decision making; constraints, opportunities, and entry points for narrowing gender gaps and empowering women; and

(D) potential differential impacts of development policies and programs on men and women, including unintended or negative consequences; and

(2) includes conclusions and recommendations to enable development policies and programs to narrow gender gaps and improve the lives of women and girls.

(b) **INTERNATIONAL DEVELOPMENT COOPERATION POLICY.**—It shall be the international development cooperation policy of the United States—

(1) to reduce gender disparities with respect to economic, social, political, educational, and cultural resources, wealth, opportunities, and services;

(2) to strive to eliminate gender-based violence and mitigate its harmful effects on individuals and communities including through efforts to develop standards and capacity to reduce gender-based violence in the workplace and other places where women work;

(3) to support activities that secure private property rights and land tenure for women in developing countries, including—

(A) legal frameworks that give women equal rights to own, register, use, profit from, and inherit land and property;

(B) improving legal literacy to enable women to exercise the rights described in subparagraph (A); and

(C) improving the capacity of law enforcement and community leaders to enforce such rights;

(4) to increase the capability of women and girls to fully exercise their rights, determine their life outcomes, assume leadership roles, and influence decision-making in households, communities, and societies; and

(5) to improve the access of women and girls to education, particularly higher education opportunities in business, finance, and management, in order to enhance financial literacy and business development, management, and strategy skills.

(c) **ACTIONS.**—In order to advance the policy described in subsection (b), the Administrator of the United States Agency for International Development shall ensure that—

(1) strategies, projects, and activities of the Agency are shaped by a gender analysis;

(2) standard indicators are used to assess such strategies, projects, and activities, if applicable; and

(3) gender equality and female empowerment are integrated throughout the Agency's program cycle and related processes for purposes of strategic planning, project design and implementation, monitoring, and evaluation.

SEC. 4. DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES.

(a) **FINDINGS AND POLICY.**—Section 251 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211) is amended—

(1) in paragraph (1)—

(A) by striking “microenterprise” and inserting “micro, small, and medium-sized enterprises”;

(B) by striking “and in the development” and inserting “, in the development”;

(C) by inserting “, and in the economic empowerment of the poor, especially women” before the period at the end;

(2) in paragraph (2)—

(A) by striking “microenterprise” and inserting “micro, small, and medium-sized enterprises”; and

(B) by inserting “, particularly enterprises owned, managed, and controlled by women” before the period at the end;

(3) in paragraph (3), by striking “microenterprises” and inserting “micro, small, and medium-sized enterprises”;

(4) in paragraph (4), by striking “microenterprise” and inserting “micro, small, and medium-sized enterprise”;

(5) in paragraph (5)—

(A) by striking “should continue” and inserting “should continue and be expanded”; and

(B) by striking “microenterprise and microfinance development assistance” and inserting “development assistance for micro, small, and medium-sized enterprises”; and

(6) in paragraph (6)—

(A) by striking “have been successful” and inserting “have had some success”;

(B) by striking “microenterprise programs should” and inserting “development assistance for micro, small, and medium-sized enterprises should”;

(C) by striking “, such as countries in Latin America”.

(b) **AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.**—Section 252 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “credit, savings, and other services to microfinance and microenterprise clients” and inserting “credit, including the use of innovative credit scoring models, savings, financial technology, financial literacy, education, insurance, property rights, and other services to micro, small, and medium-sized enterprise clients”;

(B) in paragraph (1), by striking “microfinance and microenterprise clients” and inserting “micro, small, and medium-sized enterprise clients, particularly clients owned, managed, and controlled by women”;

(C) in paragraph (2), by striking “microenterprises” and inserting “micro, small, and medium-sized enterprises”;

(D) in paragraph (3)—

(i) by striking “microfinance and microenterprise institutions” and inserting “financial intermediaries”;

(ii) by striking “microfinance and microenterprise clients” and inserting “micro, small, and medium-sized enterprises”; and

(iii) by striking “and” at the end;

(E) in paragraph (4)—

(i) by striking “microfinance and microenterprise clients and institutions” and inserting “micro, small, and medium-sized enterprises, financial intermediaries, and capital markets”; and

(ii) by striking “the poor and very poor.” and inserting “the poor and very poor, especially women.”; and

(F) by adding at the end the following:

“(5) assistance for the purpose of promoting the economic empowerment of women, including through increased access to financial resources and improving property rights, inheritance rights, and other legal protections; and

“(6) assistance for the purpose of scaling up evidence-based graduation approaches, which include targeting the very poor and households in ultra-poverty, consumption support, promotion of savings, financial literacy, skills training, and asset transfers.”;

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—There is authorized to be established within the Agency an office to support the Agency's efforts to broaden and deepen local financial markets, expand access to appropriate financial products and services, and sup-

port the development of micro, small and medium-sized enterprises. The Office shall be headed by a Director who shall possess technical expertise and ability to offer leadership in the field of financial sector development.”;

(B) in paragraph (2)—

(i) by amending subparagraph (B) to read as follows:

“(B) **USE OF CENTRAL FUNDING MECHANISMS.**—In order to ensure that assistance under this title is distributed effectively and efficiently, the office shall provide coordination and support for field-implemented programs, including through targeted core support for micro, small, and medium-sized enterprises and local financial markets.”; and

(ii) in subparagraph (C), in the matter preceding clause (i)—

(I) by inserting “, particularly by protecting the use and funding of local organizations in countries in which the Agency invests,” after “and sustainability”; and

(II) by inserting “, especially women” after “the poor and very poor”; and

(C) by striking paragraph (3); and

(3) in subsection (c), by striking “subsection (a), 50 percent of all microenterprise resources” and all that follows and inserting the following: “subsection (a)—

“(1) 50 percent of all micro, small, and medium-sized enterprise resources shall be targeted to activities that reach the very poor; and

“(2) 50 percent of all small and medium-sized enterprise resources shall be targeted to activities that reach enterprises owned, managed, and controlled by women.”.

(c) **MONITORING SYSTEM.**—Section 253(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)) is amended—

(1) in paragraph (1), by inserting “, including goals on a gender disaggregated basis, such as improvements in employment, access to financial services, education, enterprise development, earnings and control over income, and property and land rights,” after “performance goals”;

(2) in paragraph (2), by striking “include performance indicators to be used in measuring or assessing the achievement” and inserting “incorporate Agency planning and reporting processes and indicators to measure or assess the achievement”; and

(3) by striking paragraph (4).

(d) **POVERTY MEASUREMENT METHODS.**—Section 254 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211c) is amended to read as follows:

“SEC. 254. POVERTY MEASUREMENT METHODS.

“The Administrator of the Agency, in consultation with financial intermediaries and other appropriate organizations, should have in place at least 1 method for implementing partners to use to assess poverty levels of their current incoming or prospective clients.”.

(e) **ADDITIONAL AUTHORITIES.**—Section 255 of the Foreign Assistance Act of 1961 (22 U.S.C. 2211d) is amended—

(1) by striking “assistance for microenterprise development assistance” and inserting “development assistance for micro, small, and medium-sized enterprises”; and

(2) by striking “and, to the extent applicable” and all that follows and inserting a period.

(f) **MICROENTERPRISE DEVELOPMENT CREDITS.**—Section 256 of the Foreign Assistance Act of 1961 (22 U.S.C. 2212) is amended—

(1) in the section heading, by striking “**MICROENTERPRISE DEVELOPMENT CREDITS**” and inserting “**DEVELOPMENT CREDITS FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES**”;

(2) in subsection (a)—

(A) in paragraph (1), by striking “micro- and small enterprises” and inserting “micro, small, and medium-sized enterprises”; and

(B) in paragraph (2), by striking “microenterprises” and inserting “micro, small, and medium-sized enterprises”;

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “microenterprise households lacking

full access to credit” and inserting “micro, small, and medium-sized enterprises and households lacking full access to credit and other financial services”; and

(B) in paragraphs (1) and (2), by striking “microfinance institutions” each place such term appears and inserting “financial intermediaries”;

(4) in subsection (c), in the matter preceding paragraph (1), by striking “microfinance institutions” and inserting “financial intermediaries”; and

(5) in subsections (c) and (d), by striking “microenterprise households” each place such term appears and inserting “micro, small, and medium-sized enterprises and households”.

(g) UNITED STATES MICROFINANCE LOAN FACILITY.—Section 257 of the Foreign Assistance Act of 1961 (22 U.S.C. 2213) is amended—

(1) in subsection (a) —

(A) by striking “Administrator” and inserting “President”;

(B) by striking “United States-supported microfinance institutions” and inserting “United States-supported financial intermediaries”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “United States-supported microfinance institutions” each place such term appears and inserting “United States-supported financial intermediaries”; and

(B) in paragraph (2), by striking “microfinance institutions” and inserting “financial intermediaries”.

(h) CONTENTS OF REPORT.—Section 258(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214(b)) is amended to read as follows:

“(b) CONTENTS.—To the extent practicable, the report submitted under subsection (a) should contain the following:

“(1) Information about assistance provided under section 252, including—

“(A) the amount of each grant or other form of assistance;

“(B) the name and type of each intermediary and implementing partner organization receiving assistance;

“(C) the name of each country receiving assistance; and

“(D) the methodology used to ensure compliance with the targeted assistance requirements under subsection (c) of such section.

“(2) The percentage of assistance provided under section 252, disaggregated by income level, including for the very poor, and by gender.

“(3) The estimated number of individuals that received assistance under section 252, disaggregated by income level (or an appropriate proxy for income level, including for the very poor), by gender, and by type of assistance.

“(4) The results of the monitoring system required under section 253.

“(5) Information about any method in place to assess poverty levels under section 254.”.

(i) DEFINITIONS.—Section 259 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a) is amended—

(1) in paragraph (3), by striking “Committee on International Relations of the House of Representatives” and inserting “Committee on Foreign Affairs of the House of Representatives”;

(2) in paragraph (4), by striking “microenterprises” and inserting “micro, small, and medium-sized enterprises”;

(3) in paragraph (6)—

(A) in subparagraph (E), by striking “microenterprise institution” and inserting “micro, small, or medium-sized enterprise institution”; and

(B) in subparagraph (F), by striking “microfinance institution” and inserting “financial intermediary”;

(4) by striking paragraphs (7) and (8) and inserting the following:

“(7) MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISE INSTITUTION.—The term ‘micro, small, and

medium-sized enterprise institution’ means an entity that provides services, including finance, training, or business development services, for micro, small, and medium-sized enterprises in foreign countries.

“(8) FINANCIAL INTERMEDIARY.—The term ‘financial intermediary’ means the entity that acts as the intermediary between parties in a financial transaction, such as a bank, credit union, investment fund, a village savings and loan group, or an institution that provides financial services to a micro, small, or medium-sized enterprise.”;

(5) by striking paragraph (9);

(6) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(7) in paragraph (9), as redesignated, by striking “of microenterprise development”;

(8) by amending paragraph (10), as redesignated, to read as follows:

“(10) PRACTITIONER INSTITUTION.—The term ‘practitioner institution’ means a not-for-profit entity, a financial intermediary, an information and communications technology firm with a mobile money platform, a village and savings loan group, or any other entity that provides financial or business development services authorized under section 252 that benefits micro, small, and medium-sized enterprise clients.”;

(9) in paragraph (12), as redesignated—

(A) in the paragraph heading, by striking “UNITED STATES-SUPPORTED MICROFINANCE INSTITUTION” and inserting “UNITED STATES-SUPPORTED FINANCIAL INTERMEDIARY”; and

(B) by striking “United States-supported microfinance institution” and inserting “United States-supported financial intermediary”; and

(10) in paragraph (13), as redesignated, by amending subparagraph (B) to read as follows:

“(B) living below the international poverty line (as defined by the International Bank for Reconstruction and Development and the International Development Association (collectively referred to as the ‘World Bank’)).”.

(j) TECHNICAL AND CONFORMING AMENDMENT.—Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.) is amended in the title heading by striking “MICROENTERPRISE DEVELOPMENT ASSISTANCE” and inserting “DEVELOPMENT ASSISTANCE FOR MICRO, SMALL, AND MEDIUM-SIZED ENTERPRISES”.

SEC. 5. REPORT AND BRIEFING BY THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the United States Agency for International Development shall provide a briefing and submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding the implementation of this Act and the amendments made by this Act, including actions to improve the gender policies of the United States Agency for International Development pursuant to section 3.

(b) PUBLIC AVAILABILITY.—The report required under subsection (a) shall be posted and made available on a text-based, searchable, and publicly-available internet website.

SEC. 6. REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate regarding development assistance for micro, small, and medium-sized enterprises administered by the United States Agency for International Development.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the following:

(1) What is known about the impact of such development assistance on the economies of developing countries.

(2) The extent to which such development assistance is targeting women and the very poor, including what is known about how such development assistance benefits women.

(3) The extent to which the United States Agency for International Development has developed a methodology to ensure compliance with the targeted assistance requirement under section 252(c) of the Foreign Assistance Act of 1961, as amended by section 4(b)(3), and the quality of such methodology.

(4) The monitoring system required under section 253(b) of the Foreign Assistance Act of 1961, as amended by section 4(c), including the quality, appropriateness, and feasibility of such monitoring system.

Mr. BOOZMAN. I ask unanimous consent that the committee-reported amendment be agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. BOOZMAN. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the bill pass?

The bill (S. 3247), as amended, was passed.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ASIA REASSURANCE INITIATIVE ACT

The PRESIDING OFFICER (Mr. LEE). The Senator from Colorado.

Mr. GARDNER. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2736.

The Presiding Officer laid before the Senate the following message:

Resolved, That the bill from the Senate (S. 2736) entitled “An act to develop a long-term strategic vision and a comprehensive, multifaceted, and principled United States policy for the Indo-Pacific region, and for other purposes.”, do pass with an amendment.

MOTION TO CONCUR

Mr. GARDNER. Mr. President, I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to 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.

Mr. GARDNER. Mr. President, I rise to celebrate a momentous bipartisan achievement—this bill that we just passed for our Nation’s foreign policy.

Shortly, we will send this legislation, now—after its passage—to the President’s desk: Gardner-Markey, also known as the Asia Reassurance Initiative Act.

I first want to thank an incredible partner throughout this entire effort,

Senator MARKEY and his staff, for their incredibly hard work on this bill and their efforts to get this bill over the finish line. I believe we have set a strong example of how major foreign policy can be accomplished in a very thorough and bipartisan fashion, and I look forward to our next effort together.

I also want to thank Senators CARDIN and RUBIO and their staffs, as well, for early and consistent support on this effort.

Thanks go to the Senate Foreign Relations Committee chairman, Senator CORKER, the ranking member, BOB MENENDEZ, and their staffs for helping to shepherd this effort through the Foreign Relations Committee, where ARIA passed unanimously on September 26, 2018.

I want to thank and extend my gratitude to the majority leader, KEVIN MCCARTHY, and his staff for their hard work to pass this bill through the House of Representatives with only minimal changes, by voice vote, last week.

Leader MCCONNELL and his staff took an early interest in this effort, and it could not have been done without their support.

I am grateful to Leader STENY HOYER, the chairman and ranking member of the House Foreign Affairs Committee, ED ROYCE and ELIOT ENGEL, and Representative ILLEANA ROS-LEHTINEN for their support.

Nearly 2 years in the making, the Gardner-Markey ARIA Initiative will establish a generational, multifaceted, and principled U.S. policy in the Indo-Pacific region, a region that is vital for U.S. national security and economic interests. ARIA is important because the Indo-Pacific is home to half of the world's population, half of the world's GDP, the world's largest standing armies, and six U.S. defense treaty allies.

The security and economic future of the United States depends on having the right policies to ensure a free and open Indo-Pacific. Therefore, the Gardner-Markey ARIA establishes and provides new resources for a long-term strategy to enhance security cooperation with our allies and establishes the Asia-Pacific security initiative.

It promotes American businesses through trade opportunities, projects American values of democracy, human rights, and the rule of law throughout the Indo-Pacific. It is a bill designed to drive U.S. leadership as other powers turn to economic colonialism.

Starting in June 2017, Senator MARKEY and I have held over five hearings at the East Asia and Pacific Subcommittee to inform this legislation. The hearings examined a range of national security, economic, and rule of law challenges in the Indo-Pacific and culminated in a final hearing with State Department and Department of Defense officials to allow the administration to express its views on ARIA.

We introduced ARIA on April 24 of this year with a bipartisan group that

included Senators RUBIO, CARDIN, and YOUNG. On June 21, we received a letter signed by Secretary Pompeo and Secretary Mattis formally endorsing ARIA. The letter states:

[We] value the ARIA legislation's reaffirmation of the United States' security commitments to our Indo-Pacific allies and partners. Furthermore, ARIA's focus on promoting stronger regional economic engagement—and its support for democracy, the rule of law, and the development of civil society—is especially welcome as part of a diplomatically-led whole-of-government approach to the Indo-Pacific region.

The Gardner-Markey ARIA passed the Foreign Relations Committee unanimously on September 26. It passed unanimously on the floor of the Senate on December 4, and the House passed ARIA by voice vote, as I mentioned, December 12.

This bill is a rare piece of bipartisan legislation that enjoys broad support in the Congress and the White House but is also strongly supported by the business community and policy experts.

On June 4, the Wall Street Journal editorial board endorsed ARIA, stating:

Congress is trying to help with the bipartisan Asia Reassurance Initiative Act. . . . The Senate bill affirms core American alliances with Australia, Japan, and South Korea, while calling for deeper military and economic ties with India and Taiwan. It notably encourages regular weapons sales to Taipei.

The U.S. Chamber of Commerce has also endorsed ARIA, stating:

The U.S. Chamber of Commerce supports the "Asia Reassurance Initiative Act of 2018" and thanks Senator Gardner [and Markey] for [their] efforts to strengthen U.S. strategic and economic relationships across the Indo-Pacific region.

Particularly with regard to the legislation's economic goals, we appreciate the bill's focus on closer trade ties, stronger protections for intellectual property, and a renewed focus on trade facilitation.

The Heritage Foundation wrote on December 6:

Don't look now, but a sweeping bill with bipartisan support in Congress and the backing of the Trump administration is one step closer to becoming reality. The Asia Reassurance Initiative Act, introduced by Sen. Cory Gardner . . . along with key cosponsors Ed Markey . . . and Marco Rubio . . . passed the Senate on Wednesday. This was a welcome display of leadership.

In these partisan times, the bill has garnered support from both current and former administration officials and experts across the political spectrum. As the Singapore-based Straits Times wrote on December 13:

Under the Obama administration, there was a big rhetorical commitment to the Asia Pacific or Indo-Pacific region, but the US "just flat out did not readjust our resources in a way that actually backed that up," said Dr. Lindsey Ford, Director of Political-Security Affairs for the Asia Society Policy Institute.

The ARIA marks an important start to rectifying that, she said.

"The ARIA . . . if passed, would be probably one of the most consequential pieces of funding legislation that has to do with Asia, that US Congress would have passed in years," Dr. Ford told Straits Times.

When you have the Heritage Foundation and former Obama administration officials on the same page, you know we have done something right.

So again, I want to congratulate this body—truly the world's most deliberative Chamber, as this bill has proved—for this bipartisan victory, and I hope the President will sign this important bill into law shortly.

Again, I want to thank my colleague, Senator MARKEY, for his tremendous leadership on this.

I yield the floor to Senator MARKEY.

Mr. MARKEY. Mr. President, I thank the Senator from Colorado, and I rise to echo the sentiments of the Senator from Colorado.

I first want to thank the Senator for all of his great work on this bill, for all of the hearings that took place in the subcommittee, all of the various interest groups who had to be worked with in order to make sure that this bill came to pass.

So I just want to thank the Senator from Colorado and thank his staff for the great work.

This bill is a historic bill. It is a very important bill. It could not have happened without the Senator, and I thank him for all of his incredible leadership on this issue.

I want to thank my own staff for all of their great work on this issue as well.

We had an incredible bipartisan partnership that was created between the Senator from Colorado and the Senator from Massachusetts, but our staffs worked very closely together.

This bill, the Gardner-Markey Asia Reassurance Initiative Act, is a very important bill, and I want to speak about this bill, but in doing so, I am actually speaking about something that is broader, something more important, something of more lasting consequence to international peace and stability, and something more critical to the economic well-being, security, and fundamental rights of Americans and millions of others around the globe.

America has always had an important relationship with the Indo-Pacific region, but the global landscape is changing, and today, more than ever, the Indo-Pacific is the most consequential region, not only for the United States but also for the rest of the world, and that is what this bill is all about. It is how we in the U.S. Congress can reaffirm that we, No. 1, are and will remain committed to the Indo-Pacific; No. 2, recognize its shifting dynamics and the significance these changes represent; and No. 3, stand ready to marshal the leadership and resources necessary to address the challenges we face and capitalize on the opportunities before us.

With that in mind, I again want to extend my gratitude to my partner in this endeavor, Senator GARDNER. He has been the best possible partner in this effort, and I want to thank him for everything he has done.

I also want to thank Senators CORKER and MENENDEZ for their assistance in advancing this bill through the Senate Foreign Relations Committee and a litany of saints who I think should all be mentioned: Senator RUBIO, Senator CARDIN, Senator YOUNG, Senator SULLIVAN, Senator PERDUE, Senator GRAHAM, Senator COONS, Senator KAINE, Senator PETERS, Senator WICKER—all cosponsors of this bill, perfectly bipartisan.

I also want to thank Representatives MCCARTHY and HOYER and NEAL and ROYCE and CASTRO and YOHO for their work as well. That list of Members is not only indicative of the level of bipartisanship there is in Congress but also on U.S.-Asia policy. This bill would not have been possible without them, and it would not have been possible without, again, the wonderful staffs we are blessed to have working on these issues, who spent many long hours advocating for key American interests and values in this legislation.

This bill represents a generational policy framework to enhance U.S. leadership in the Indo-Pacific and is a demonstration of American commitment to a free and open region, as well as the rules-based international order.

Zach Hosford and Mark Appleton on my staff dedicated the last year to working and partnering with the Senator. So I am pleased that the Gardner-Markey Asia Reassurance Initiative will pass the Senate today, and I look forward to its being sent on to the President's desk.

I again thank Senator GARDNER for all of his incredible work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

RECOGNIZING THE EAST MISSISSIPPI LIONS, NJCAA CHAMPS

Mr. WICKER. Mr. President, I rise for a long overdue floor speech to recognize a school in my home State of Mississippi that continues to win national football championships, five, in fact, over the past 10 years.

I can assure my friends from Alabama that I am not trying to steal the thunder from the Crimson Tide. I am here to recognize the undefeated East Mississippi Community College Lions, who have become their own football dynasty and are the reigning National Junior College Athletic Association champs. NJCAA is commonly known as JUCO.

What makes the East Mississippi Community College football program special is the grit and determination that fuels its success. Some of these players are truly playing for their lives. They are the comeback kids, rising above adversity to get back into the game. The stories of these players are so inspirational that they won over the hearts of Americans in the Netflix documentary series, "Last Chance U."

In the first two seasons of that program, viewers had a prime spot in the

bleachers to watch East Mississippi's 2015 and 2016 football seasons. I will not reveal any spoilers, but the Lions have undeniable star power.

One of the compelling themes throughout the show is the belief in second chances. Past misbehavior or poor grades do not define these players or their futures. They have legions of fans cheering for their success and for the next touchdown. They have introduced to the Nation, if not the world, the small Mississippi town of Scooba, population 700. According to the show's trailer, "One of football's best recruiting grounds is a place you've never heard of," but now the secret is out.

I would like to congratulate the East Mississippi Lions as this year's JUCO champions and recognize the leadership of the head coach, Buddy Stephens, who only this afternoon was named National Coach of the Year for junior college football.

I also want to congratulate East Mississippi's six All-Americans this year, which was the most for any school except Iowa Western, which tied with them. These All-Americans include first team All-American wide receiver Dontario Drummond and second team running back Deon McIntosh, offensive lineman LaQuinston Sharp, and defensive lineman Everitt Cunningham. Honorable mentions went to quarterback Messiah deWeaver and return specialist DJ Clayton. There have been 32 All-Americans during Coach Stephens' 11-season tenure with the Lions.

Many East Mississippi players go on to 4-year universities and even pro football teams. LaGarrette Blount, running back for the Detroit Lions and a three-time Super Bowl champion, was a former East Mississippi Lion, and so was defensive back C.J. Reavis, who plays for the Jacksonville Jaguars. Other alumni currently playing in the NFL are defensive lineman Jarran Reed for the Seattle Seahawks, Za'Darius Smith for the Baltimore Ravens, Denico Autry for the Indianapolis Colts, and D.J. Jones for the San Francisco 49ers.

Although there is no question about East Mississippi's skills on the field, the team also earned the title of being the Football Academic Team of the Year among junior colleges, showing that the work goes far past the end zone.

Our State and Nation are proud of East Mississippi Community College's success. I am confident their football dynasty will continue, and I look forward to cheering them on to other championships in future years.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Delaware.

U.N. FRAMEWORK CONVENTION ON CLIMATE CHANGE

Mr. CARPER. Mr. President, I rise today with two of our colleagues, Senator ED MARKEY and Senator JEFF

MERKLEY, to reflect on the 24th session of the United Nations Framework Convention on Climate Change that concluded just this last weekend in the country of Poland.

This important conference, which is better known as COP24, refers to Conference of Parties 24. I think they have been meeting for 24 years. They met there for 2 weeks as leaders from nearly 200 nations, working to reach an agreement on how our world will actually implement the Paris climate agreement.

The stakes could not be higher. I am not one, as my colleagues know, given to hyperbole, but the future of our planet and the future of our children and grandchildren may well hang in the balance.

Was it a positive step forward that the international community could come together and agree to meaningful action to combat climate change on a global scale by finally getting to implement the Paris Agreement? Yes, it was.

Having said that, this agreement is not perfect, they know it, and we know it. No one is pretending that it is. It falls well short of the steps that the Intergovernmental Panel on Climate Change, the IPCC, determined just 1 month ago are needed to avoid the most catastrophic effects of climate change over the next decade.

The entire world needs to do even more to address this problem. That includes setting much more aggressive emissions reduction targets going forward to address the challenges of climate change in the years ahead. While we certainly can and should be doing more, though, this agreement is cause for hope that bolder future agreements are achievable, but reaching bolder future agreements is going to require real leadership from leaders and from nations across the world. After all, leadership is the biggest key to success for almost any organization or endeavor, and that includes saving this planet.

Unfortunately, our President, along with many in his administration, continue to reject climate science and deny the reality and the magnitude of the challenges we are facing. Well, here is the reality.

According to NOAA, the United States experienced 16 extreme weather-related disasters in 2017 that exceeded \$1 billion apiece. In the past year alone, Americans paid \$306 billion in damages due to storm surges, flooding, wildfires, crop freezes, and droughts—a new record.

Thirteen of our Nation's leading scientific Federal agencies recently reported to us in a National Climate Assessment that if we do nothing to address our climate emissions, today's extreme weather-related events will pale in comparison to what lies ahead.

Here is a sampling of what we can look forward to if we do nothing—if we don't do enough. In the future, we can continue to expect rainfall or precipitation as measured by the foot, not by

the inch. We can continue to expect more wildfires in places out West, burning areas larger than my home State of Delaware. We can continue to expect extreme flooding to devastate communities like Ellicott City, MD, not too far from here, which has been hit by not one but two 1,000-year floods in the past 2 years alone. Think about that.

Somebody asked me the other day: What is a 1,000-year flood? It is something that is supposed to happen only once in 1,000 years. They have seen two of them in Ellicott City in the past 2 years.

One of the most memorable lyrics from my youth and maybe for some of the others in this Chamber comes from a guy named Stephen Stills. I would describe him as a California-based climatologist. He is not. He is a singer-songwriter from Buffalo Springfield fame and Crosby, Stills, Nash, and Young. He once wrote a lyric that goes like this:

Something's happening here. Just what it is ain't exactly clear.

Think about that.

Something's happening here. Just what it is ain't exactly clear.

Well, make no mistake, something is happening here, and what is happening here is exactly clear. What is also clear is, there is still time to do something about it while actually fostering economic growth in the United States and beyond our borders. Let me say that again. Here is the good news: What is also clear is that there is still time to do something about it while actually fostering economic growth in the United States and beyond our borders. Climate scientists aren't part of some grand hoax. It isn't some alarmist prediction. It doesn't come from some left-leaning organization. It doesn't come from talk radio. The truth is that it comes directly from our Nation's leading scientists and leading scientists around the world.

We also remind our colleagues that the National Climate Assessment is not developed at the direction or whim of any one person or any one administration; it was Congress that passed a law mandating that the National Climate Assessment be presented every 4 years. We did it. Congress did it. That law was called the Global Change Research Act of 1990. It passed this Senate in 1990 unanimously, and it was signed into law by the late President George Herbert Walker Bush, a Republican.

Our Nation's leading scientists warned us yet again less than a month ago that if we failed to start seriously reducing carbon emissions now, by the end of this century, we may well be witnessing the following tale of horrors.

Here is a chart. First, it deals with sea levels rising 6 feet. That is a lot. Since 1993, it has risen 3 inches. Compared to what we have experienced in the last 25 years, that is a heck of a lot. We would expect that if sea level rise

does go to 6 feet, it would result in some \$3.6 trillion in cumulative damages to the U.S. coastal properties and infrastructure. Most of our east coast would be underwater, including maybe parts of the lowest lying State in America, which is Delaware.

Our next chart talks about annual economic losses of up to \$500 billion by 2090—not cumulative but every year.

We have another chart here that speaks to gross domestic product. You may recall that when we fell into the great recession around 10 years ago—the worst recession since the Great Depression—we saw GDP losses of just over 4 percent. It was horrible. Banks stopped lending money. The unemployment rate was 10 percent or more. People couldn't get loans for anything. That is where we were.

If these estimates from some of the best, smartest scientists in the world are correct, it is not going to be losses at 4 percent; we will be looking at 10 percent by 2100. No Member of this Senate is going to be around then, but these pages sitting down here will be. Our grandsons and granddaughters may well be around too.

As the world works to develop meaningful solutions to mitigate these effects of climate change, the Trump administration chooses to exacerbate the problem by doubling down on dirty and outdated energy policies. This administration is also attempting to discredit the recent science reports by pushing talking points from well-known climate deniers.

Americans are not falling for these tricks anymore. Americans are witnessing firsthand the effects of climate change in their communities every day. They want action, and they want us to be part of that action. So does the business community. While this administration sits on its hands, American businesses are actually stepping up in a big way to combat the effects of climate change. Many businesses stand ready to do even more. They are looking to us here in our Nation's Capital to provide some leadership.

To our international friends around the world who are wondering where our Nation is on climate change, I want to say to those folks that, speaking on behalf of the majority of not just Delawareans but Americans, we are with you. We support the Paris climate agreement. We want to reduce carbon emissions because we are convinced that doing so will enable us to save our planet and create jobs.

This is not a Democratic or Republican issue. This is not a blue State or red State issue. It affects us all. If you think climate change hasn't reached your State yet, the science is clear that eventually it will.

Luckily for us, young people are leading the call for action. Climate change and environmental issues are often mistakenly forgotten when we discuss domestic issues. In today's news cycle, especially under this administration, they doesn't always

make headlines. It has oftentimes been said that climate change is not an issue that drives Americans to the polls. I think that is changing.

Young people led the way to changing our country before. I remember when I was your age, I say to our pages. In the 1950s, we led the decades-long civil rights movement for equal rights for every American under the law. Young activists made clear their opposition to the Vietnam war. Back in the 1970s, when I was actually serving during the Vietnam war as a naval flight officer, young people pushed hard for strong environmental standards. The Cuyahoga River in Cleveland, OH—north of Ohio State where I went to school—was on fire. At the same time, we had shores of our country littered with garbage.

Our country is back at another one of those make-or-break moments in our history. We need the energy of Americans of all ages, young and old, to make sure we don't blow it. We need to listen to them all, especially to our younger Americans. After all, when you think about it, they should be energized by this. It is their planet, and it is their future.

When it comes to global challenges, such as terrorism and cyber attacks, the United States doesn't sit back and wait for someone else to lead the way; we step up and we lead. We have many dogs in this fight—some big ones and some not-so-big ones. We have a lot at stake.

Fortunately, acting sooner rather than later on climate change brings with it a number of positives. We can put our country on course to reduce emissions while growing our economy. I keep coming back to this theme, and it is an important theme. We can put our country on a course to reduce emissions and grow our economy. The two are not mutually exclusive—I don't care what some people say and would have us believe. In fact, it is quite the opposite. They are not mutually exclusive.

What we can and should be doing is using our energy and resources to foster new economic opportunities for communities that may be dependent today on the old world order.

In 2017, nearly 3.2 million Americans were working in wind, solar, energy efficiency, and other clean energy jobs. A year or two ago, one of them was one of our sons. Our oldest son worked for 6 years or so helping develop ways for large buildings all over the Northeast to conserve energy. That was one of the jobs.

There are 3.2 million jobs. More jobs will follow, and it is incumbent on us to ensure that some of those new jobs go to people whose jobs are going away as we seek to reduce carbon emissions in this country and on our planet. How would we feel if we lost our jobs and at the same time, 3 million people gained jobs? How about me? I was born in West Virginia. Dad was a coal miner for a while earlier in his life. How

about those people? We need to make sure that when we make progress reducing carbon emissions, we don't forget folks who lose their jobs because of the reduction of those carbon emissions. We have to reach back and help them too.

We don't have the luxury of waiting around. We need to crank it up, and we need to get going. That is why, as the senior Democrat and ranking member of the Committee on Environment and Public Works, which I serve on with Senators MARKEY, MERKLEY, and others, I am anxious to join them to help lead the fight for policies that take this country into a brighter climate future. If we are honest with our children and grandchildren, we don't have any other choice.

It was my hope that on the world stage this week, America's representative at COP24 would make clear that our country is ready to lead by example. Unfortunately, they apparently did not. That is no reason to despair. We have the facts, and I think we have the energy and the commitment on our side.

Today, I want to leave our colleagues with this message: Climate action should not be an issue that divides us; it should be an issue that unites us. It should unite not just this country but the entire global community. Our world could definitely use more unification these days, and so could our country.

Years from now, when our sons' children are dealing with the inevitable consequences of our failure to address climate change—if we do fail—there will be a day when they might come to me or, frankly, any of us and say: Well, you were a Senator, weren't you, Grandpa? What did you do when you had the chance to do something about this impending disaster when there was still time? What did you do about it?

We should all want to be able to say the same thing: I worked tirelessly reminding, warning my colleagues, pushing my colleagues. We moved Heaven and Earth to make sure that future generations could inherit a safe, healthy planet, one where their dreams and aspirations could be realized and not destroyed.

My colleagues and I—especially Senator MARKEY and Senator MERKLEY—are on the floor to make it clear that the overwhelming majority of Americans stand with every other nation in the world on this issue. We need to act. We need to act now. Time is not on our side. Let's seize the day. Carpe diem.

I am happy to yield the floor.

It is like preaching to the choir. Nobody has done more in this body and the Congress in the last 15 years than this man here—Senator ED MARKEY from Massachusetts—to try to make sure that we realize this is a problem, that we do something about it, and that we do something about it soon and in a way that creates economic opportunity.

I thank you. It is a pleasure to stand in front of you and serve beside you.

Mr. MARKEY. I thank Bishop CARPER—I mean Senator CARPER as I continue preaching to the choir. There is no one who does it better than you do, and we have to continue to do this insistently, persistently, and constantly to make sure this message is heard. We thank you for all of your great leadership, Senator CARPER.

Senator MERKLEY will be joining us out here on the floor. We have so many other Members who are completely committed to this issue. It is absolutely essential that we make progress in 2019 and 2020 on this issue.

We are speaking on the floor today about the just-concluded international climate negotiations in Poland—also called COP24. That means conference of parties. That means every nation on Earth. Twenty-four. The 24 times that every nation on Earth met to preserve the Earth, to make sure that this great gift God gave us is, in fact, passed on better than we found it and not potentially at great risk because we did not act.

Unfortunately, given the focus of the Trump administration at the climate conference, you could say that we are here on the Senate floor not for a colloquy but for “coal-oquy”—a discussion about the role of coal in our society.

In a shameful moment for our country in the history of international climate negotiations, the United States formed a gaslighting group with Kuwait, Russia, and Saudi Arabia to downplay the findings on climate change while at the talks in Poland.

Despite the fact that in the IPCC's special report—the U.N.'s special report—on 1.5 degrees Celsius, the world's scientists tell us that coal without carbon capture must be completely eliminated as a source of power by the year 2050, the United States, unfortunately, held an official event celebrating dirty fossil fuels, with no solution to the problem.

That is the Trump administration. President Trump, I think, got his degree in climate science from Trump University, and the diplomas were handed out by the Koch brothers. This is the problem. It is not the coal miners. We have to make sure that we take care of the coal miners. We have to make sure that they get the healthcare they need, the pensions they need.

There is a revolution going on. It is a renewables revolution, and it is an all-electric vehicle revolution. This administration has been trying as hard as it can to stop it, to slow it down, even as the planet gets dangerously warm.

Fortunately, for the planet, the international community set the rules of the road for implementing the Paris climate agreement despite the misinformation being peddled by the Trump administration. The global community was in agreement in its belief in the science of climate. Now we have a new rule book based on the international consensus for making progress toward the goals outlined in the Paris climate agreement.

What happened in Poland was an important milestone for the planet. When Donald Trump announced that the United States would withdraw from the Paris Agreement, he defied the wishes of the majority of Americans and of many of our biggest business leaders because they know that being a part of the Paris Agreement makes America more competitive. It will create new jobs, open up new markets, catalyze economic growth, and reduce business risks. The Trump administration's decision to pull the United States from the Paris accord continues to be a grave, unforced error that will have massive implications for our economy, for our security, for our public health, and for our future.

The new Conference of the Parties' rule book—the new meeting of every country in the world—makes the Paris Agreement stronger than ever, but the United States wants the rules to simply allow us to sit out the game. By the “United States,” I mean the Trump administration, representing the Federal Government. Yet it doesn't represent the people. It doesn't represent the States. It doesn't represent the cities. It doesn't represent all of the businesses in our country that are moving on renewables, that are moving on this dramatic change.

Recently released scientific studies make clear that as one of the world's greatest polluters, the United States cannot sit on the sidelines. You cannot preach temperance from a bar stool. You cannot tell the rest of the world to do something while you yourself are allowing all of these emissions to go up into the atmosphere. Of the 17 hottest years on record, 16 have occurred since the year 2000. At the rate we are warming, the world is on course to breach 1.5-degrees Celsius above preindustrial levels by the year 2030.

The National Climate Assessment warns that the Northeast will warm faster than any other region in the United States, breaching 2-degrees of warming above preindustrial levels of 2035. In other words, the Gulf of Maine—Massachusetts Bay—is the second fastest warming body of water on the planet after the Arctic. That is dangerous. What it means is that we could have a total loss of coral reefs, the doubling in loss of plant and animal species, a loss of up to one-tenth of U.S. GDP—more than double the losses of the great recession by 2100.

Senator CARPER already laid all of this out in graphic detail for the Members to see and for the American people to see. When asked about the conclusions from his own administration's scientists on climate change, President Trump said: I don't believe my own scientists on climate action.

The world no longer sees the American President as Commander in Chief; it sees a climate denier in chief sitting in the Oval Office.

Thankfully, America's climate scientists are fighting for us. The world's scientists are fighting for us, and we

must fight for them. We must fight efforts to censor their research. We must fight the efforts to ax their budgets. We must fight for them because the work they do is essential to our planet's future.

One only has to look at the litany of sins perpetrated by the Trump administration on climate science and climate action to see how big of a fight we have. The list of this administration's efforts to weaken climate action, public health, and environmental rules is so long that Senator WHITEHOUSE and I had to publish a report to capture all of the ways Donald Trump has already come to lead "The Most Anti-Climate Administration in History."

This is the report. It just goes on. It is page after page of actions that the administration has taken to undermine the progress we should be making on climate. We just issued this report this week. There are more than 114 climate actions that President Trump and his Big Oil all-star team, at the Cabinet level in this administration, have put in place. That has been, literally, one attack per week over the past 2 years.

During his tenure, President Trump nominated Andrew Wheeler, a member of the coal industry's hall of fame, to run the Agency that is tasked with protecting our environment. He has moved to freeze fuel economy standards at 2020 levels rather than pushing for the economically and technologically achievable goal of 54.5 miles per gallon by 2025. While in the White House, the President, day by day, tries his best to make sure that no progress is made.

Here is what I know. We went all the way from 1975 until 2007 with no new law being passed on fuel economy standards. In the House and in partnering with Members over here in the Senate, I was able to pass the increase in 2007 for fuel economy standards. That was the first increase in 32 years. President Trump has proposed a clean powerplant replacement that would kill 1,400 more Americans every year and emit 12 times more carbon dioxide. This list goes on and on. The only thing longer than the list of anti-climate and environmental actions taken by the Trump administration might be the number of investigations of the Trump administration.

Unfortunately, in the absence of leadership from Trump's Federal agencies, people wonder what is happening. Is there a reason for hope? The answer is yes. Our towns, our cities, our States haven't missed a step. There are 22 States, 550 cities, and 900 companies with operations in the United States that have climate commitments in place. These pledgers could get us within striking distance of our original commitment in the Paris climate agreement.

After the Waxman-Markey bill passed on the floor of the U.S. House of Representatives and when President Obama went to Copenhagen, the promise he made was the 17-percent reduction by 2020, which was in the Waxman-

Markey bill. That is the pledge, that 17 percent in the Waxman-Markey bill. We are still capable of coming very close to that, but we know that even the U.S. commitment in Paris of up to 28 percent in the years after that would be insufficient to limit the warming to 1.5 degrees by midcentury, so we need to be thinking beyond that.

We need to get to net zero emissions by 2050. To get there, we will need to take unprecedented action. We need to supercharge our investments in a clean energy economy, and we need to do that at the Federal level. Globally, we need to cut greenhouse gas emissions in half by 2030. We need to invest in energy efficiency solutions to reduce the total energy demand by one-third. We need to transform our transportation system because as much as 65 percent of energy used in transportation will need to come from low-emission sources. At the same time, in the power sector, we need at least 75 percent of our electricity to come from clean sources by 2050.

Getting there will not be easy, but we have the technologies that are necessary for this to be possible. We have the momentum in the markets to get renewable energy to every corner of this country. We are ushering our power sector into a clean energy future that is good for our environment and good for our economy, as Senator CARPER said. In the early 2020s, it could be cheaper to build new renewables from scratch than to continue operating old, dirty, coal-fired power plants. That is not a conspiracy; that is called competition.

Adam Smith is smiling in his grave, looking at this competition unfold. The cost of solar has fallen 50 to 60 percent over the last 5 to 6 years. In fact, wind and solar are generally cheaper than coal and nuclear energy right now. That is not just happening here. Half of all electricity installed around the world last year was renewable. Let me say it again. Last year, half of all new electricity on the planet was renewable. Renewable energy deployment around the world has increased by 8 percent a year for 7 years in a row, and there is no likelihood that it is going to change.

Globally, more than 330 billion dollars was invested in clean energy just last year. This is a global clean energy race. It is a global job creation race, and we cannot let nations like China and India and others win that race. We have to push ourselves harder. Right now, we have more than 50,000 megawatts installed in the United States. By the end of 2022, we could have over 250,000 megawatts of wind and solar installed if we would just continue at the pace on which we are right now and don't allow Donald Trump and his cronies to roll back those advances.

We now have five times as many workers in the solar industry as we do in coal mining in the United States. In 2016, we added as many jobs in the

solar industry as exist in the coal mining industry. By 2020, we will have 500,000 Americans working in wind and solar. Who are these workers? They are electricians. They are roofers. They are carpenters. They are blue-collar workers all across this country. We have unleashed a blue-collar job revolution in this country. There are hundreds of thousands of people working in it with there being a direct assault from the White House going against those workers every single day. Blue-collar workers are workers who, right now, are five times larger in number than are the coal miners in our country. It will be machinists to build advanced fuel-efficient vehicles. It will be American electricians retrofitting energy-efficient buildings. It will be American roofers installing solar panels. Clean energy is the greatest force for blue-collar, high-wage job creation in a generation.

While we have a responsibility to protect the livelihoods of the millions of Americans who work in energy efficiency, clean energy, clean vehicles, and clean fuels, we need to make sure that those working in fossil fuel industries are supported throughout this clean energy transition.

I thank Senator MERKLEY. I thank Senator CARPER. I thank all of the Members who have worked on these issues that move us toward a 100-percent renewable future. We need a green new deal for our country. Now we just have to exert the political will to make it a reality.

I thank everyone for all of their work on this issue. In 2019, we are going to raise every one of these climate issues in the context of a massive job creation effort. We are going to save all of creation by engaging in massive blue-collar job creation in our country.

I yield the floor.

THE PRESIDING OFFICER. The majority leader.

FOUNDATIONS FOR EVIDENCE-BASED POLICYMAKING ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4174 and the Senate proceed to its immediate consideration.

THE PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4174) to amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the Johnson-Murray 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. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4171) 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; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Foundations for Evidence-Based Policymaking Act of 2018”.

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

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL EVIDENCE-BUILDING ACTIVITIES

Sec. 101. Federal evidence-building activities.

TITLE II—OPEN GOVERNMENT DATA ACT

Sec. 201. Short title.

Sec. 202. OPEN Government data.

TITLE III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

Sec. 301. Short title.

Sec. 302. Confidential information protection and statistical efficiency.

Sec. 303. Increasing access to data for evidence.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Rule of construction.

Sec. 402. Use of existing resources.

Sec. 403. Effective date.

TITLE I—FEDERAL EVIDENCE-BUILDING ACTIVITIES

SEC. 101. FEDERAL EVIDENCE-BUILDING ACTIVITIES.

(a) **IN GENERAL.**—Chapter 3 of part I of title 5, United States Code, is amended—

(1) by inserting before section 301 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”; AND

(2) by adding at the end the following:

“SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

§ 311. Definitions

“In this subchapter:

“(1) **AGENCY.**—The term ‘agency’ has the meaning given the term ‘Executive agency’ under section 105.

“(2) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget.

“(3) **EVALUATION.**—The term ‘evaluation’ means an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.

“(4) **EVIDENCE.**—The term ‘evidence’ has the meaning given that term in section 3561 of title 44.

“(5) **STATE.**—The term ‘State’ means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized governing body of any Indian Tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) **STATISTICAL ACTIVITIES; STATISTICAL AGENCY OR UNIT; STATISTICAL PURPOSE.**—The terms ‘statistical activities’, ‘statistical agency or unit’, and ‘statistical purpose’ have the meanings given those terms in section 3561 of title 44.

§ 312. Agency evidence-building plan

“(a) **REQUIREMENT.**—The head of each agency shall include in the strategic plan re-

quired under section 306 a systematic plan for identifying and addressing policy questions relevant to the programs, policies, and regulations of the agency. Such plan shall contain the following:

“(1) A list of policy-relevant questions for which the agency intends to develop evidence to support policymaking.

“(2) A list of data the agency intends to collect, use, or acquire to facilitate the use of evidence in policymaking.

“(3) A list of methods and analytical approaches that may be used to develop evidence to support policymaking.

“(4) A list of any challenges to developing evidence to support policymaking, including any statutory or other restrictions to accessing relevant data.

“(5) A description of the steps the agency will take to accomplish paragraphs (1) and (2).

“(6) Any other information as required by guidance issued by the Director.

“(b) **EVALUATION PLAN.**—The head of each agency shall issue in conjunction with the performance plan required under section 1115(b) of title 31, an evaluation plan describing activities the agency plans to conduct pursuant to subsection (a) of this section during the fiscal year following the year in which the performance plan is submitted. Such plan shall—

“(1) describe key questions for each significant evaluation study that the agency plans to begin in the next fiscal year;

“(2) describe key information collections or acquisitions the agency plans to begin in the next fiscal year; and

“(3) any other information included in guidance issued by the Director under subsection (a)(6).

“(c) **CONSULTATION.**—In developing the plan required under subsection (a), the head of an agency shall consult with stakeholders, including the public, agencies, State and local governments, and representatives of nongovernmental researchers.

§ 313. Evaluation Officers

“(a) **ESTABLISHMENT.**—The head of each agency shall designate a senior employee of the agency as the Evaluation Officer of the agency.

“(b) **QUALIFICATIONS.**—The Evaluation Officer of an agency shall be appointed or designated without regard to political affiliation and based on demonstrated expertise in evaluation methodology and practices and appropriate expertise to the disciplines of the agency.

“(c) **COORDINATION.**—The Evaluation Officer of an agency shall, to the extent practicable, coordinate activities with agency officials necessary to carry out the functions required under subsection (d).

“(d) **FUNCTIONS.**—The Evaluation Officer of each agency shall—

“(1) continually assess the coverage, quality, methods, consistency, effectiveness, independence, and balance of the portfolio of evaluations, policy research, and ongoing evaluation activities of the agency;

“(2) assess agency capacity to support the development and use of evaluation;

“(3) establish and implement an agency evaluation policy; and

“(4) coordinate, develop, and implement the plans required under section 312.

§ 314. Statistical expertise

“(a) **IN GENERAL.**—The head of each agency shall designate the head of any statistical agency or unit within the agency, or in the case of an agency that does not have a statistical agency or unit, any senior agency official with appropriate expertise, as a statistical official to advise on statistical policy, techniques, and procedures. Agency officials engaged in statistical activities may consult

with any such statistical official as necessary.

“(b) **MEMBERSHIP ON INTERAGENCY COUNCIL ON STATISTICAL POLICY.**—Each statistical official designated under subsection (a) shall serve as a member of the Interagency Council on Statistical Policy established under section 3504(e)(8) of title 44.

§ 315. Advisory Committee on Data for Evidence Building

“(a) **ESTABLISHMENT.**—The Director, or the head of an agency designated by the Director, shall establish an Advisory Committee on Data for Evidence Building (in this section referred to as the ‘Advisory Committee’) to review, analyze, and make recommendations on how to promote the use of Federal data for evidence building.

“(b) **MEMBERSHIP.**—The members of the Advisory Committee shall consist of the Chief Statistician of the United States, who shall serve as the Chair of the Advisory Committee, and other members appointed by the Director as follows:

“(1) One member who is an agency Chief Information Officer.

“(2) One member who is an agency Chief Privacy Officer.

“(3) One member who is an agency Chief Performance Officer.

“(4) Three members who are agency Chief Data Officers.

“(5) Three members who are agency Evaluation Officers.

“(6) Three members who are members of the Interagency Council for Statistical Policy established under section 3504(e)(8) of title 44.

“(7) At least 10 members who are representatives of State and local governments and nongovernmental stakeholders with expertise in government data policy, privacy, technology, transparency policy, evaluation and research methodologies, and other relevant subjects, of whom—

“(A) at least one shall have expertise in transparency policy;

“(B) at least one shall have expertise in privacy policy;

“(C) at least one shall have expertise in statistical data use;

“(D) at least one shall have expertise in information management;

“(E) at least one shall have expertise in information technology; and

“(F) at least one shall be from the research and evaluation community.

“(c) **TERM OF SERVICE.**—

“(1) **IN GENERAL.**—Each member of the Advisory Committee shall serve for a term of 2 years.

“(2) **VACANCY.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(d) **COMPENSATION.**—Members of the Advisory Committee shall serve without compensation.

“(e) **DUTIES.**—The Advisory Committee shall—

“(1) assist the Director in carrying out the duties of the Director under part D of subchapter III of chapter 35 of title 44;

“(2) evaluate and provide recommendations to the Director on how to facilitate data sharing, enable data linkage, and develop privacy enhancing techniques; and

“(3) review the coordination of data sharing or availability for evidence building across all agencies.

“(f) REPORTS.—The Advisory Committee shall submit to the Director and make publicly available an annual report on the activities and findings of the Advisory Committee.”

“(g) TERMINATION.—The Advisory Committee shall terminate not later than two years after the date of the first meeting.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 3 of part I of title 5, United States Code, is amended—

(1) by inserting before the item relating to section 301 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”; AND

(2) by adding at the end the following:

“SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

“311. Definitions.

“312. Agency evidence-building plan.

“313. Evaluation Officers.

“314. Statistical expertise.

“315. Advisory Committee on Data for Evidence Building.”

(c) AGENCY STRATEGIC PLANS.—Section 306(a) of title 5, United States Code, is amended—

(1) in paragraph (7), by striking “; and” at the end and inserting a semicolon;

(2) in paragraph (8), by—

(A) striking the period at the end; and

(B) inserting after “to be conducted” the following: “, and citations to relevant provisions of the plans required under section 312; and”; and

(3) by adding at the end the following:

“(9) an assessment of the coverage, quality, methods, effectiveness, and independence of the statistics, evaluation, research, and analysis efforts of the agency, including—

“(A) a list of the activities and operations of the agency that are currently being evaluated and analyzed;

“(B) the extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency;

“(C) the extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability;

“(D) the extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches;

“(E) the extent to which evaluation and research capacity is present within the agency to include personnel and agency processes for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback; and

“(F) the extent to which the agency has the capacity to assist agency staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.”

(d) GAO REPORT.—Not later than 2 years after the date on which each strategic plan required under section 306(a) of title 5, United States Code, is published, the Comptroller General of the United States shall submit to Congress a report that—

(1) summarizes agency findings and highlights trends in the assessment conducted pursuant to subsection (a)(9) of section 306 of title 5, United States Code, as added by subsection (c); and

(2) if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) EVALUATION AND PERSONNEL STANDARDS.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with any interagency council relating to evaluation, shall—

(A) issue guidance for program evaluation for agencies consistent with widely accepted standards for evaluation; and

(B) identify best practices for evaluation that would improve Federal program evaluation.

(2) GUIDANCE.—Not later than 90 days after the date on which the guidance under paragraph (1) is issued, the head of each agency shall oversee the implementation of such guidance.

(3) OPM GUIDANCE.—Not later than 180 days after the date on which the guidance under paragraph (1) is issued, the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall—

(A) identify key skills and competencies needed for program evaluation in an agency;

(B) establish a new occupational series, or update and improve an existing occupational series, for program evaluation within an agency; and

(C) establish a new career path for program evaluation within an agency.

(4) DEFINITIONS.—In this Act:

(A) AGENCY.—Except as otherwise provided, the term “agency” has the meaning given the term “Executive agency” under section 105.

(B) EVALUATION.—The term “evaluation” has the meaning given that term in section 311 of title 5, United States Code, as added by subsection (a).

TITLE II—OPEN GOVERNMENT DATA ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Open, Public, Electronic, and Necessary Government Data Act” or the “OPEN Government Data Act”.

SEC. 202. OPEN GOVERNMENT DATA.

(a) DEFINITIONS.—Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13), by striking “; and” at the end and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

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

“(15) the term ‘comprehensive data inventory’ means the inventory created under section 3511(a), but does not include any underlying data asset listed on the inventory;

“(16) the term ‘data’ means recorded information, regardless of form or the media on which the data is recorded;

“(17) the term ‘data asset’ means a collection of data elements or data sets that may be grouped together;

“(18) the term ‘machine-readable’, when used with respect to data, means data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

“(19) the term ‘metadata’ means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

“(20) the term ‘open Government data asset’ means a public data asset that is—

“(A) machine-readable;

“(B) available (or could be made available) in an open format;

“(C) not encumbered by restrictions, other than intellectual property rights, including under titles 17 and 35, that would impede the use or reuse of such asset; and

“(D) based on an underlying open standard that is maintained by a standards organization;

“(21) the term ‘open license’ means a legal guarantee that a data asset is made available—

“(A) at no cost to the public; and

“(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting such asset;

“(22) the term ‘public data asset’ means a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under section 552 of title 5; and

“(23) the term ‘statistical laws’ means subchapter III of this chapter and other laws pertaining to the protection of information collected for statistical purposes as designated by the Director.”

(b) GUIDANCE TO MAKE DATA OPEN BY DEFAULT.—Section 3504(b) of title 44, United States Code, is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

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

“(6) issue guidance for agencies to implement section 3506(b)(6) in a manner that takes into account—

“(A) risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

“(B) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

“(C) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

“(D) whether the application of the requirements described in such section to a data asset could result in legal liability;

“(E) a determination of whether a data asset—

“(i) is subject to intellectual property rights, including rights under titles 17 and 35;

“(ii) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

“(iii) is otherwise restricted by contract or other binding, written agreement;

“(F) the requirement that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’); and

“(G) any other considerations that the Director determines to be relevant.”

(c) FEDERAL AGENCY RESPONSIBILITIES TO MAKE DATA OPEN BY DEFAULT.—

(1) AMENDMENTS.—Section 3506 of title 44, United States Code, is amended—

(A) in subsection (b)—

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

“(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that, to the extent practicable—

“(A) describes how information resources management activities help accomplish agency missions;

“(B) includes an open data plan that—

“(i) requires the agency to develop processes and procedures that—

“(I) require data collection mechanisms created on or after the date of the enactment of the OPEN Government Data Act to be available in an open format; and

“(II) facilitate collaboration with non-Government entities (including businesses), researchers, and the public for the purpose of understanding how data users value and use government data;

“(ii) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements within a reasonable period of time;

“(iii) develops and implements a process to evaluate and improve the timeliness, completeness, consistency, accuracy, usefulness, and availability of open Government data assets;

“(iv) includes requirements for meeting the goals of the agency open data plan, including the acquisition of technology, provision of training for employees, and the implementation of procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from public and private sectors;

“(v) identifies as priority data assets any data asset for which disclosure would be in the public interest and establishes a plan to evaluate each priority data asset for disclosure on the Federal Data Catalogue under section 3511 and for a determination under 3511(a)(2)(A)(iii)(I)(bb), including an accounting of which priority data assets have not yet been evaluated; and

“(vi) requires the agency to comply with requirements under section 3511, including any standards established by the Director under such section, when disclosing a data asset pursuant to such section; and

“(C) is updated annually and made publicly available on the website of the agency not later than 5 days after each such update;”;

(ii) in paragraph (4), by striking “; and” and inserting a semicolon;

(iii) in paragraph (5), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following new paragraph:

“(6) in accordance with guidance by the Director—

“(A) make each data asset of the agency available in an open format; and

“(B) make each public data asset of the agency available—

“(i) as an open Government data asset; and

“(ii) under an open license.”; and

(B) in subsection (d)—

(i) in paragraph (3), by striking “and” at the end;

(ii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

“(5) ensure that any public data asset of the agency is machine-readable; and

“(6) engage the public in using public data assets of the agency and encourage collaboration by—

“(A) publishing on the website of the agency, on a regular basis (not less than annually), information on the usage of such assets by non-Government users;

“(B) providing the public with the opportunity to request specific data assets to be prioritized for disclosure and to provide suggestions for the development of agency criteria with respect to prioritizing data assets for disclosure;

“(C) assisting the public in expanding the use of public data assets; and

“(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from public data assets of the agency.”.

(2) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of the enactment of this Act, the head of each agency (as defined in section 3502 of title 44, United States Code) shall ensure that any activity by the agency meets the requirements of section 3506 of title 44, United States Code, as amended by this subsection.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(d) DATA INVENTORY AND FEDERAL DATA CATALOGUE.—

(1) AMENDMENT.—Section 3511 of title 44, United States Code, is amended to read as follows:

“§ 3511. Data inventory and Federal data catalogue

“(a) COMPREHENSIVE DATA INVENTORY.—

“(1) IN GENERAL.—In consultation with the Director and in accordance with the guidance established under paragraph (2), the head of each agency shall, to the maximum extent practicable, develop and maintain a comprehensive data inventory that accounts for all data assets created by, collected by, under the control or direction of, or maintained by the agency. The head of each agency shall ensure that such inventory provides a clear and comprehensive understanding of the data assets in the possession of the agency.

“(2) GUIDANCE.—The Director shall establish guidance for agencies to develop and maintain comprehensive data inventories under paragraph (1). Such guidance shall include the following:

“(A) A requirement for the head of an agency to include in the comprehensive data inventory metadata on each data asset of the agency, including, to the maximum extent practicable, the following:

“(i) A description of the data asset, including all variable names and definitions.

“(ii) The name or title of the data asset.

“(iii) An indication of whether or not the agency—

“(I) has determined or can determine if the data asset is—

“(aa) an open Government data asset;

“(bb) subject to disclosure or partial disclosure or exempt from disclosure under section 552 of title 5;

“(cc) a public data asset eligible for disclosure under subsection (b); or

“(dd) a data asset not subject to open format or open license requirements due to existing limitations or restrictions on government distribution of the asset; or

“(II) as of the date of such indication, has not made such determination.

“(iv) Any determination made under section 3582, if available.

“(v) A description of the method by which the public may access or request access to the data asset.

“(vi) The date on which the data asset was most recently updated.

“(vii) Each agency responsible for maintaining the data asset.

“(viii) The owner of the data asset.

“(ix) To the extent practicable, any restriction on the use of the data asset.

“(x) The location of the data asset.

“(xi) Any other metadata necessary to make the comprehensive data inventory useful to the agency and the public, or otherwise determined useful by the Director.

“(B) A requirement for the head of an agency to exclude from the comprehensive

data inventory any data asset contained on a national security system, as defined in section 11103 of title 40.

“(C) Criteria for the head of an agency to use in determining which metadata required by subparagraph (A), if any, in the comprehensive data inventory may not be made publicly available, which shall include, at a minimum, a requirement to ensure all information that could not otherwise be withheld from disclosure under section 552 of title 5 is made public in the comprehensive data inventory.

“(D) A requirement for the head of each agency, in accordance with a procedure established by the Director, to submit for inclusion in the Federal data catalogue maintained under subsection (c) the comprehensive data inventory developed pursuant to subparagraph (C), including any real-time updates to such inventory, and data assets made available in accordance with subparagraph (E) or any electronic hyperlink providing access to such data assets.

“(E) Criteria for the head of an agency to use in determining whether a particular data asset should not be made publicly available in a manner that takes into account—

“(i) risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

“(ii) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

“(iii) the cost and benefits to the public of converting the data into a format that could be understood and used by the public;

“(iv) whether the public dissemination of the data asset could result in legal liability;

“(v) whether the data asset—

“(I) is subject to intellectual property rights, including rights under titles 17 and 35;

“(II) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

“(III) is restricted by contract or other binding, written agreement;

“(vi) whether the holder of a right to such data asset has been consulted;

“(vii) the expectation that all data assets that would otherwise be made available under section 552 of title 5 be disclosed; and

“(viii) any other considerations that the Director determines to be relevant.

“(F) Criteria for the head of an agency to use in assessing the indication of a determination under subparagraph (A)(iii) and how to prioritize any such subsequent determinations in the strategic information management plan under section 3506, in consideration of the existing resources available to the agency.

“(3) REGULAR UPDATES REQUIRED.—With respect to each data asset created or identified by an agency, the head of the agency shall update the comprehensive data inventory of the agency not later than 90 days after the date of such creation or identification.

“(b) PUBLIC DATA ASSETS.—The head of each agency shall submit public data assets, or links to public data assets available online, as open Government data assets for inclusion in the Federal data catalogue maintained under subsection (c), in accordance with the guidance established under subsection (a)(2).

“(c) FEDERAL DATA CATALOGUE.—

“(1) IN GENERAL.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing agency data assets with

the public, which shall be known as the 'Federal data catalogue'. The Administrator and the Director shall ensure that agencies can submit public data assets, or links to public data assets, for publication and public availability on the interface.

“(2) REPOSITORY.—The Director shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices across the Federal Government, which shall—

“(A) include any definitions, regulations, policies, checklists, and case studies related to open data policy;

“(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices; and

“(C) be made available on the Federal data catalogue maintained under paragraph (1).

“(3) ACCESS TO OTHER DATA ASSETS.—The Director shall ensure the Federal data catalogue maintained under paragraph (1) provides information on how the public can access a data asset included in a comprehensive data inventory under subsection (a) that is not yet available on the Federal data catalogue, including information regarding the application process established under section 3583 of title 44.

“(d) DELEGATION.—The Director shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The item relating to section 3511 of the table of sections at the beginning of chapter 35 of title 44, United States Code, is amended to read as follows:

“3511. Data inventory and Federal data catalogue.”.

(B) CROSS-REFERENCE.—Section 3504(b)(2)(A) of title 44, United States Code, is amended by striking “the use of the Government Information Locator Service” and inserting “the use of comprehensive data inventories and the Federal data catalogue under section 3511”.

(e) CHIEF DATA OFFICERS.—

(1) AMENDMENT.—Section 3520 of title 44, United States Code, is amended to read as follows:

“§ 3520. Chief Data Officers

“(a) ESTABLISHMENT.—The head of each agency shall designate a career appointee (as defined in section 3132 of title 5) in the agency as the Chief Data Officer of the agency.

“(b) QUALIFICATIONS.—The Chief Data Officer of an agency shall be designated on the basis of demonstrated training and experience in data management, governance (including creation, application, and maintenance of data standards), collection, analysis, protection, use, and dissemination, including with respect to any statistical and related techniques to protect and de-identify confidential data.

“(c) FUNCTIONS.—The Chief Data Officer of an agency shall—

“(1) be responsible for lifecycle data management;

“(2) coordinate with any official in the agency responsible for using, protecting, disseminating, and generating data to ensure that the data needs of the agency are met;

“(3) manage data assets of the agency, including the standardization of data format, sharing of data assets, and publication of data assets in accordance with applicable law;

“(4) in carrying out the requirements under paragraphs (3) and (5), consult with

any statistical official of the agency (as designated under section 314 of title 5);

“(5) carry out the requirements of the agency under subsections (b) through (d), (f), and (i) of section 3506, section 3507, and section 3511;

“(6) ensure that, to the extent practicable, agency data conforms with data management best practices;

“(7) engage agency employees, the public, and contractors in using public data assets and encourage collaborative approaches on improving data use;

“(8) support the Performance Improvement Officer of the agency in identifying and using data to carry out the functions described in section 1124(a)(2) of title 31;

“(9) support the Evaluation Officer of the agency in obtaining data to carry out the functions described in section 313(d) of title 5;

“(10) review the impact of the infrastructure of the agency on data asset accessibility and coordinate with the Chief Information Officer of the agency to improve such infrastructure to reduce barriers that inhibit data asset accessibility;

“(11) ensure that, to the extent practicable, the agency maximizes the use of data in the agency, including for the production of evidence (as defined in section 3561), cybersecurity, and the improvement of agency operations;

“(12) identify points of contact for roles and responsibilities related to open data use and implementation (as required by the Director);

“(13) serve as the agency liaison to other agencies and the Office of Management and Budget on the best way to use existing agency data for statistical purposes (as defined in section 3561); and

“(14) comply with any regulation and guidance issued under subchapter III, including the acquisition and maintenance of any required certification and training.

“(d) DELEGATION OF RESPONSIBILITIES.—

“(1) IN GENERAL.—To the extent necessary to comply with statistical laws, the Chief Data Officer of an agency shall delegate any responsibility under subsection (c) to the head of a statistical agency or unit (as defined in section 3561) within the agency.

“(2) CONSULTATION.—To the extent permissible under law, the individual to whom a responsibility has been delegated under paragraph (1) shall consult with the Chief Data Officer of the agency in carrying out such responsibility.

“(3) DEFERENCE.—The Chief Data Officer of the agency shall defer to the individual to whom a responsibility has been delegated under paragraph (1) regarding the necessary delegation of such responsibility with respect to any data acquired, maintained, or disseminated by the agency under applicable statistical law.

“(e) REPORTS.—The Chief Data Officer of an agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the compliance of the agency with the requirements of this subchapter, including information on each requirement that the agency could not carry out and, if applicable, what the agency needs to carry out such requirement.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 3520 of the table of sections at the beginning of chapter 35 of title 44, United States Code, is amended to read as follows:

“3520. Chief Data Officers.”.

(f) CHIEF DATA OFFICER COUNCIL.—

(1) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended

by inserting before section 3521 the following new section:

“§ 3520A. Chief Data Officer Council

“(a) ESTABLISHMENT.—There is established in the Office of Management and Budget a Chief Data Officer Council (in this section referred to as the ‘Council’).

“(b) PURPOSE AND FUNCTIONS.—The Council shall—

“(1) establish Governmentwide best practices for the use, protection, dissemination, and generation of data;

“(2) promote and encourage data sharing agreements between agencies;

“(3) identify ways in which agencies can improve upon the production of evidence for use in policymaking;

“(4) consult with the public and engage with private users of Government data and other stakeholders on how to improve access to data assets of the Federal Government; and

“(5) identify and evaluate new technology solutions for improving the collection and use of data.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Chief Data Officer of each agency shall serve as a member of the Council.

“(2) CHAIR.—The Director shall select the Chair of the Council from among the members of the Council.

“(3) ADDITIONAL MEMBERS.—The Administrator of the Office of Electronic Government shall serve as a member of the Council.

“(4) EX OFFICIO MEMBER.—The Director shall appoint a representative for all Chief Information Officers and Evaluation Officers, and such representative shall serve as an ex officio member of the Council.

“(d) REPORTS.—The Council shall submit to the Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a biennial report on the work of the Council.

“(e) EVALUATION AND TERMINATION.—

“(1) GAO EVALUATION OF COUNCIL.—Not later than 4 years after date of the enactment of this section, the Comptroller General shall submit to Congress a report on whether the additional duties of the Council improved the use of evidence and program evaluation in the Federal Government.

“(2) TERMINATION OF COUNCIL.—The Council shall terminate and this section shall be repealed upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, is amended by inserting before the item relating to section 3521 the following new item:

“3520A. Chief Data Officer Council.”.

(g) REPORTS.—

(1) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies, to the extent practicable—

(A) the value of information made available to the public as a result of this Act and the amendments made by this Act;

(B) whether the public availability of any information that has not yet been made so available would be valuable to the public; and

(C) the completeness of each comprehensive data inventory developed under section

3511 of title 44, United States Code, as amended by subsection (d).

(2) BIENNIAL OMB REPORT.—Not later than 1 year after date of the enactment of this Act, and biennially thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this Act and the amendments made by this Act.

TITLE III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

SEC. 301. SHORT TITLE.

This title may be cited as the “Confidential Information Protection and Statistical Efficiency Act of 2018”.

SEC. 302. CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

“PART A—GENERAL

“§ 3561. Definitions

“In this subchapter:

“(1) AGENCY.—The term ‘agency’ means any entity that falls within the definition of the term ‘executive agency’, as defined in section 102 of title 31, or ‘agency’, as defined in section 3502.

“(2) AGENT.—The term ‘agent’ means an individual—

“(A)(i) who is an employee of a private organization or a researcher affiliated with an institution of higher learning (including a person granted special sworn status by the Bureau of the Census under section 23(c) of title 13), and with whom a contract or other agreement is executed, on a temporary basis, by an executive agency to perform exclusively statistical activities under the control and supervision of an officer or employee of that agency;

“(ii) who is working under the authority of a government entity with which a contract or other agreement is executed by an executive agency to perform exclusively statistical activities under the control of an officer or employee of that agency;

“(iii) who is a self-employed researcher, a consultant, a contractor, or an employee of a contractor, and with whom a contract or other agreement is executed by an executive agency to perform a statistical activity under the control of an officer or employee of that agency; or

“(iv) who is a contractor or an employee of a contractor, and who is engaged by the agency to design or maintain the systems for handling or storage of data received under this subchapter; and

“(B) who agrees in writing to comply with all provisions of law that affect information acquired by that agency.

“(3) BUSINESS DATA.—The term ‘business data’ means operating and financial data and information about businesses, tax-exempt organizations, and government entities.

“(4) DATA ASSET.—The term ‘data asset’ has the meaning given that term in section 3502.

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(6) EVIDENCE.—The term ‘evidence’ means information produced as a result of statistical activities conducted for a statistical purpose.

“(7) IDENTIFIABLE FORM.—The term ‘identifiable form’ means any representation of information that permits the identity of the respondent to whom the information applies to be reasonably inferred by either direct or indirect means.

“(8) NONSTATISTICAL PURPOSE.—The term ‘nonstatistical purpose’—

“(A) means the use of data in identifiable form for any purpose that is not a statistical purpose, including any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent; and

“(B) includes the disclosure under section 552 of title 5 of data that are acquired for exclusively statistical purposes under a pledge of confidentiality.

“(9) RESPONDENT.—The term ‘respondent’ means a person who, or organization that, is requested or required to supply information to an agency, is the subject of information requested or required to be supplied to an agency, or provides that information to an agency.

“(10) STATISTICAL ACTIVITIES.—The term ‘statistical activities’—

“(A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment; and

“(B) includes the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames.

“(11) STATISTICAL AGENCY OR UNIT.—The term ‘statistical agency or unit’ means an agency or organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes, as designated by the Director under section 3562.

“(12) STATISTICAL PURPOSE.—The term ‘statistical purpose’—

“(A) means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and

“(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the purposes described in subparagraph (A).

“§ 3562. Coordination and oversight of policies

“(a) IN GENERAL.—The Director shall coordinate and oversee the confidentiality and disclosure policies established by this subchapter. The Director may promulgate rules or provide other guidance to ensure consistent interpretation of this subchapter by the affected agencies. The Director shall develop a process by which the Director designates agencies or organizational units as statistical agencies and units. The Director shall promulgate guidance to implement such process, which shall include specific criteria for such designation and methods by which the Director will ensure transparency in the process.

“(b) AGENCY RULES.—Subject to subsection (c), agencies may promulgate rules to implement this subchapter. Rules governing disclosures of information that are authorized by this subchapter shall be promulgated by the agency that originally collected the information.

“(c) REVIEW AND APPROVAL OF RULES.—The Director shall review any rules proposed by an agency pursuant to this subchapter for consistency with the provisions of this chapter and such rules shall be subject to the approval of the Director.

“(d) REPORTS.—

“(1) The head of each agency shall provide to the Director such reports and other information as the Director requests.

“(2) Each Designated Statistical Agency (as defined in section 3576(e)) shall report an-

nually to the Director, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on the actions it has taken to implement section 3576. The report shall include copies of each written agreement entered into pursuant to section 3576(c)(1) for the applicable year.

“(3) The Director shall include a summary of reports submitted to the Director under this subsection and actions taken by the Director to advance the purposes of this subchapter in the annual report to Congress on statistical programs prepared under section 3504(e)(2).

“§ 3563. Statistical agencies

“(a) RESPONSIBILITIES.—

“(1) IN GENERAL.—Each statistical agency or unit shall—

“(A) produce and disseminate relevant and timely statistical information;

“(B) conduct credible and accurate statistical activities;

“(C) conduct objective statistical activities; and

“(D) protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses.

“(2) POLICIES, BEST PRACTICES, AND PROCEDURES.—Each statistical agency or unit shall adopt policies, best practices, and appropriate procedures to implement the responsibilities described in paragraph (1).

“(b) SUPPORT FROM OTHER AGENCIES.—The head of each agency shall enable, support, and facilitate statistical agencies or units in carrying out the responsibilities described in subsection (a)(1).

“(c) REGULATIONS.—The Director shall prescribe regulations to carry out this section.

“(d) DEFINITIONS.—In this section:

“(1) ACCURATE.—The term ‘accurate’, when used with respect to statistical activities, means statistics that consistently match the events and trends being measured.

“(2) CONFIDENTIALITY.—The term ‘confidentiality’ means a quality or condition accorded to information as an obligation not to disclose that information to an unauthorized party.

“(3) OBJECTIVE.—The term ‘objective’, when used with respect to statistical activities, means accurate, clear, complete, and unbiased.

“(4) RELEVANT.—The term ‘relevant’, when used with respect to statistical information, means processes, activities, and other such matters likely to be useful to policymakers and public and private sector data users.

“§ 3564. Effect on other laws

“(a) TITLE 44, UNITED STATES CODE.—This subchapter does not diminish the authority under section 3510 of the Director to direct, and of an agency to make, disclosures that are not inconsistent with any applicable law.

“(b) TITLE 13 AND TITLE 44, UNITED STATES CODE.—This subchapter does not diminish the authority of the Bureau of the Census to provide information in accordance with sections 8, 16, 301, and 401 of title 13 and section 2108 of this title.

“(c) TITLE 13, UNITED STATES CODE.—This subchapter shall not be construed as authorizing the disclosure for nonstatistical purposes of demographic data or information collected by the Bureau of the Census pursuant to section 9 of title 13.

“(d) VARIOUS ENERGY STATUTES.—Data or information acquired by the Energy Information Administration under a pledge of confidentiality and designated by the Energy Information Administration to be used for exclusively statistical purposes shall not be disclosed in identifiable form for nonstatistical purposes under—

“(1) section 12, 20, or 59 of the Federal Energy Administration Act of 1974 (15 U.S.C. 771, 779, 790h);

“(2) section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796); or

“(3) section 205 or 407 of the Department of Energy Organization Act (42 U.S.C. 7135, 7177).

“(e) SECTION 201 OF CONGRESSIONAL BUDGET ACT OF 1974.—This subchapter shall not be construed to limit any authorities of the Congressional Budget Office to work (consistent with laws governing the confidentiality of information the disclosure of which would be a violation of law) with databases of Designated Statistical Agencies (as defined in section 3576(e)), either separately or, for data that may be shared pursuant to section 3576(c) or other authority, jointly in order to improve the general utility of these databases for the statistical purpose of analyzing pension and health care financing issues.

“(f) PREEMPTION OF STATE LAW.—Nothing in this subchapter shall preempt applicable State law regarding the confidentiality of data collected by the States.

“(g) STATUTES REGARDING FALSE STATEMENTS.—Notwithstanding section 3572, information collected by an agency for exclusively statistical purposes under a pledge of confidentiality may be provided by the collecting agency to a law enforcement agency for the prosecution of submissions to the collecting agency of false statistical information under statutes that authorize criminal penalties (such as section 221 of title 13) or civil penalties for the provision of false statistical information, unless such disclosure or use would otherwise be prohibited under Federal law.

“(h) CONSTRUCTION.—Nothing in this subchapter shall be construed as restricting or diminishing any confidentiality protections or penalties for unauthorized disclosure that otherwise apply to data or information collected for statistical purposes or nonstatistical purposes, including, but not limited to, section 6103 of the Internal Revenue Code of 1986.

“(i) AUTHORITY OF CONGRESS.—Nothing in this subchapter shall be construed to affect the authority of the Congress, including its committees, members, or agents, to obtain data or information for a statistical purpose, including for oversight of an agency’s statistical activities.

“PART B—CONFIDENTIAL INFORMATION PROTECTION

“§ 3571. Findings

“The Congress finds the following:

“(1) Individuals, businesses, and other organizations have varying degrees of legal protection when providing information to the agencies for strictly statistical purposes.

“(2) Pledges of confidentiality by agencies provide assurances to the public that information about individuals or organizations or provided by individuals or organizations for exclusively statistical purposes will be held in confidence and will not be used against such individuals or organizations in any agency action.

“(3) Protecting the confidentiality interests of individuals or organizations who provide information under a pledge of confidentiality for Federal statistical programs serves both the interests of the public and the needs of society.

“(4) Declining trust of the public in the protection of information provided under a pledge of confidentiality to the agencies adversely affects both the accuracy and completeness of statistical analyses.

“(5) Ensuring that information provided under a pledge of confidentiality for statis-

tical purposes receives protection is essential in continuing public cooperation in statistical programs.

“§ 3572. Confidential information protection

“(a) PURPOSES.—The purposes of this section are the following:

“(1) To ensure that information supplied by individuals or organizations to an agency for statistical purposes under a pledge of confidentiality is used exclusively for statistical purposes.

“(2) To ensure that individuals or organizations who supply information under a pledge of confidentiality to agencies for statistical purposes will neither have that information disclosed in identifiable form to anyone not authorized by this subchapter nor have that information used for any purpose other than a statistical purpose.

“(3) To safeguard the confidentiality of individually identifiable information acquired under a pledge of confidentiality for statistical purposes by controlling access to, and uses made of, such information.

“(b) USE OF STATISTICAL DATA OR INFORMATION.—Data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes and protected in accordance with such pledge.

“(c) DISCLOSURE OF STATISTICAL DATA OR INFORMATION.—

“(1) Data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent.

“(2) A disclosure pursuant to paragraph (1) is authorized only when the head of the agency approves such disclosure and the disclosure is not prohibited by any other law.

“(3) This section does not restrict or diminish any confidentiality protections in law that otherwise apply to data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes.

“(d) RULE FOR USE OF DATA OR INFORMATION FOR NONSTATISTICAL PURPOSES.—A statistical agency or unit shall clearly distinguish any data or information it collects for nonstatistical purposes (as authorized by law) and provide notice to the public, before the data or information is collected, that the data or information could be used for nonstatistical purposes.

“(e) DESIGNATION OF AGENTS.—A statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 3561(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this subchapter.

“(f) FINES AND PENALTIES.—Whoever, being an officer, employee, or agent of an agency acquiring information for exclusively statistical purposes, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by this section, comes into possession of such information by reason of his or her being an officer, employee, or agent and, knowing that the disclosure of the specific information is prohibited under the provisions of this subchapter, willfully discloses the information in any manner to a person or agency not entitled to receive it, shall be guilty of a class E felony and imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

“PART C—STATISTICAL EFFICIENCY

“§ 3575. Findings

“The Congress finds the following:

“(1) Federal statistics are an important source of information for public and private decision-makers such as policymakers, consumers, businesses, investors, and workers.

“(2) Federal statistical agencies should continuously seek to improve their efficiency. Statutory constraints limit the ability of these agencies to share data and thus to achieve higher efficiency for Federal statistical programs.

“(3) The quality of Federal statistics depends on the willingness of businesses to respond to statistical surveys. Reducing reporting burdens will increase response rates, and therefore lead to more accurate characterizations of the economy.

“(4) Enhanced sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes will improve their ability to track more accurately the large and rapidly changing nature of United States business. In particular, the statistical agencies will be able to better ensure that businesses are consistently classified in appropriate industries, resolve data anomalies, produce statistical samples that are consistently adjusted for the entry and exit of new businesses in a timely manner, and correct faulty reporting errors quickly and efficiently.

“(5) Congress enacted the International Investment and Trade in Services Survey Act (Public Law 94-472), which allowed the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to share data on foreign-owned companies. The Act not only expanded detailed industry coverage from 135 industries to over 800 industries with no increase in the data collected from respondents but also demonstrated how data sharing can result in the creation of valuable data products.

“(6) With part B of this subchapter, the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics continues to ensure the highest level of confidentiality for respondents to statistical surveys.

“§ 3576. Designated statistical agencies

“(a) PURPOSES.—The purposes of this section are the following:

“(1) To authorize the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes.

“(2) To reduce the paperwork burdens imposed on businesses that provide requested information to the Federal Government.

“(3) To improve the comparability and accuracy of Federal economic statistics by allowing the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to update sample frames, develop consistent classifications of establishments and companies into industries, improve coverage, and reconcile significant differences in data produced by the three agencies.

“(4) To increase understanding of the United States economy, especially for key industry and regional statistics, to develop more accurate measures of the impact of technology on productivity growth, and to enhance the reliability of the Nation’s most important economic indicators, such as the National Income and Product Accounts.

“(b) RESPONSIBILITIES OF DESIGNATED STATISTICAL AGENCIES.—The head of each of the Designated Statistical Agencies shall—

“(1) identify opportunities to eliminate duplication and otherwise reduce reporting burden and cost imposed on the public in providing information for statistical purposes;

“(2) enter into joint statistical projects to improve the quality and reduce the cost of statistical programs; and

“(3) protect the confidentiality of individually identifiable information acquired for statistical purposes by adhering to safeguard principles, including—

“(A) emphasizing to their officers, employees, and agents the importance of protecting the confidentiality of information in cases where the identity of individual respondents can reasonably be inferred by either direct or indirect means;

“(B) training their officers, employees, and agents in their legal obligations to protect the confidentiality of individually identifiable information and in the procedures that must be followed to provide access to such information;

“(C) implementing appropriate measures to assure the physical and electronic security of confidential data;

“(D) establishing a system of records that identifies individuals accessing confidential data and the project for which the data were required; and

“(E) being prepared to document their compliance with safeguard principles to other agencies authorized by law to monitor such compliance.

“(c) SHARING OF BUSINESS DATA AMONG DESIGNATED STATISTICAL AGENCIES.—

“(1) IN GENERAL.—A Designated Statistical Agency may provide business data in an identifiable form to another Designated Statistical Agency under the terms of a written agreement among the agencies sharing the business data that specifies—

“(A) the business data to be shared;

“(B) the statistical purposes for which the business data are to be used;

“(C) the officers, employees, and agents authorized to examine the business data to be shared; and

“(D) appropriate security procedures to safeguard the confidentiality of the business data.

“(2) RESPONSIBILITIES OF AGENCIES UNDER OTHER LAWS.—The provision of business data by an agency to a Designated Statistical Agency under this section shall in no way alter the responsibility of the agency providing the data under other statutes (including sections 552 and 552b of title 5) with respect to the provision or withholding of such information by the agency providing the data.

“(3) RESPONSIBILITIES OF OFFICERS, EMPLOYEES, AND AGENTS.—Examination of business data in identifiable form shall be limited to the officers, employees, and agents authorized to examine the individual reports in accordance with written agreements pursuant to this section. Officers, employees, and agents of a Designated Statistical Agency who receive data pursuant to this section shall be subject to all provisions of law, including penalties, that relate—

“(A) to the unlawful provision of the business data that would apply to the officers, employees, and agents of the agency that originally obtained the information; and

“(B) to the unlawful disclosure of the business data that would apply to officers, employees, and agents of the agency that originally obtained the information.

“(4) NOTICE.—Whenever a written agreement concerns data that respondents were required by law to report and the respondents were not informed that the data could be shared among the Designated Statistical Agencies, for exclusively statistical purposes, the terms of such agreement shall be described in a public notice issued by the agency that intends to provide the data. Such notice shall allow a minimum of 60 days for public comment.

“(d) LIMITATIONS ON USE OF BUSINESS DATA PROVIDED BY DESIGNATED STATISTICAL AGENCIES.—

“(1) GENERAL USE.—Business data provided by a Designated Statistical Agency pursuant to this section shall be used exclusively for statistical purposes.

“(2) PUBLICATION.—Publication of business data acquired by a Designated Statistical Agency shall occur in a manner whereby the data furnished by any particular respondent are not in identifiable form.

“(e) DESIGNATED STATISTICAL AGENCY DEFINED.—In this section, the term ‘Designated Statistical Agency’ means each of the following:

“(1) The Census Bureau of the Department of Commerce.

“(2) The Bureau of Economic Analysis of the Department of Commerce.

“(3) The Bureau of Labor Statistics of the Department of Labor.”.

(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:

“SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

“PART A—GENERAL

“3561. Definitions.

“3562. Coordination and oversight of policies.

“3563. Statistical agencies.

“3564. Effect on other laws.

“PART B—CONFIDENTIAL INFORMATION PROTECTION

“3571. Findings.

“3572. Confidential information protection.

“PART C—STATISTICAL EFFICIENCY

“3575. Findings.

“3576. Designated statistical agencies.”.

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY ACT OF 2002.—Title V of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) is repealed (and the table of contents of such Act shall be conformed accordingly).

(2) TITLE 13, UNITED STATES CODE.—Section 402 of title 13, United States Code, is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002” and inserting “section 3576(e) of title 44”.

(3) TITLE 49, UNITED STATES CODE.—Title 49, United States Code, is amended—

(A) in section 6302(d)(4), by striking “the Confidential Information” and all that follows through the period and inserting “section 3572 of title 44.”; and

(B) in section 6314(d)(2), by striking “the Confidential Information” and all that follows through the period and inserting “section 3572 of title 44.”.

(4) ACT OF JANUARY 27, 1938.—The first section of the Act of January 27, 1938, entitled “An Act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes” (52 Stat. 8, chapter 11; 15 U.S.C. 176a), is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002” and inserting “subchapter III of chapter 35 of title 44, United States Code”.

(5) FIXING AMERICA’S SURFACE TRANSPORTATION ACT.—Section 7308(e)(2) of the Fixing America’s Surface Transportation Act (Public Law 114-94; 49 U.S.C. 20155 note) is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note)” and inserting “section 3572 of title 44, United States Code”.

(d) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) CUTOFF DATE.—This title replaces certain provisions of law enacted on December

17, 2002. If a law enacted after that date amends or repeals a provision replaced by this title, that law is deemed to amend or repeal, as the case may be, the corresponding provision enacted by this title. If a law enacted after that date is otherwise inconsistent with this title, it supersedes this title to the extent of the inconsistency.

(2) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, the date of the enactment of a provision enacted by this title is deemed to be the date of the enactment of the provision it replaced.

(3) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision of law replaced by this title, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this title.

(4) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a provision of law replaced by this title continues in effect under the corresponding provision enacted by this title.

(5) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a provision of law replaced by this title is deemed to have been taken or committed under the corresponding provision enacted by this title.

SEC. 303. INCREASING ACCESS TO DATA FOR EVIDENCE.

(a) IN GENERAL.—Subchapter III of chapter 35 of title 44, United States Code, as added by section 302, is amended by adding at the end the following new part:

“PART D—ACCESS TO DATA FOR EVIDENCE

“§ 3581. Presumption of accessibility for statistical agencies and units

“(a) ACCESSIBILITY OF DATA ASSETS.—The head of an agency shall, to the extent practicable, make any data asset maintained by the agency available, upon request, to any statistical agency or unit for purposes of developing evidence.

“(b) LIMITATIONS.—Subsection (a) does not apply to any data asset that is subject to a statute that—

“(1) prohibits the sharing or intended use of such asset in a manner as to leave no discretion on the issue; or

“(2) if enacted after the date of the enactment of this section, specifically cites to this paragraph.

“(c) REGULATIONS.—The Director shall prescribe regulations for agencies to carry out this section. Such regulations shall—

“(1) require the timely provision of data assets under subsection (a);

“(2) provide a list of statutes that exempt agencies from the requirement under subsection (a) pursuant to subsection (b)(1);

“(3) establish clear and consistent standards, to the extent possible, for complying with section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’) and any other applicable law requiring the protection and confidentiality of individually identifiable information; and

“(4) require a transparent process for statistical agencies and units to request data assets from agencies and for agencies to respond to such requests.

“(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed as altering existing intellectual property rights or the terms of any contract or other binding, written agreement.

“§ 3582. Expanding secure access to CIPSEA data assets

“(a) STATISTICAL AGENCY RESPONSIBILITIES.—To the extent practicable, each statistical agency or unit shall expand access to

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

the planet together, and it painted a very stark picture of where we are right now and how this will only get a lot worse in the years ahead.

Or we can turn to the Trump administration's report that came out the day after Thanksgiving. On Thanksgiving, we give thanks for a lot of things. The day after, the administration informed us that we here on the planet have a big problem. What did they say in that report? Again, this is the Trump administration speaking: "Earth's climate is now changing faster than at any point in the history of modern civilization, primarily as a result of human activities."

Or we could turn to a third report that just came out called the "Global Carbon Project," and it says that after plateauing for several years, in 2018, global carbon emissions rose 2.7 percent. So we are back on an upward trajectory. We hit a recordbreaking 37 billion metric tons.

How did the United States do? Well, similarly, our carbon emissions here in the United States went up about 2.5 percent.

Over the last 2 years, the Trump administration has tried to do everything it can to make the situation worse. There were rules in place to cut methane leaks because methane is much more of a potent global warming gas than is carbon dioxide. So you never want to let it out of the pipe. But they worked to weaken those rules. They worked to weaken vehicle emission standards so we get more pollution for each mile, rather than less pollution.

I did find one thing of interest; that is, when Judith Garber, the Deputy Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, went over to Poland to give a report for the United States. She bragged about our carbon capture utilization and storage technology, and how one powerplant in Texas is capturing more than 90 percent of the emissions from its blue gas stream. So she was holding this up as a vision of what the United States is doing to contribute to the technology in the world and to help things be better.

What she didn't say is, the previous week, on December 6, the Trump administration issued a draft rule exempting new powerplants from carbon capture. That would have been a much more complete story about the record of this administration.

Of the 20 nations represented at the recent G20 summit in Argentina, only the United States refused to sign a nonbinding statement saying countries were committed to fighting climate chaos. All we had to do is say, yes, we are aware it is a problem, and we are committed to fighting it, but the United States turned that down. Over in Poland, we joined with Russia and Saudi Arabia and Kuwait—three oil-rich nations—to weaken a statement recognizing the international report about the challenges we face.

We need global leadership. Without our help, countries still came together

in Poland to write a rule book to try to go forward without the involvement and leadership of the United States. They worked very hard on that rule book, and it addressed things like transparency and accountability; it addressed issues related to carbon credits; it addressed issues that were designed to develop a strategy for technical experts and exactly how you count carbon in your country. It wasn't a perfect rule book, but we now have one, and we can make improvements on it in the future.

Think about how much faster we would go forward in tackling this problem if we had American leadership. We need this leadership. The world needs this leadership to tackle climate chaos. It is not something you can do just as good a job 10 years or 20 years from now as you can now because you can't get this carbon out of the atmosphere easily once it is in there. It stays for hundreds of years. It keeps adding to the trapping of heat for hundreds of years. We need to act now.

We are facing the big challenge of feedback loops. What do I mean? Up in the Arctic, when you have less ice, you have blue ocean, the sunshine goes into the water, and it heats it up more than if it were reflecting off ice. So it gets warmer and warmer and warmer.

How about this? Just a couple weeks ago, a picture was published of a lake in Alaska that was boiling—not with heat, but with methane; methane bubbling up out of the permafrost underneath the lake at such a rapid pace, it was a heavy boiling motion on the top of the water. That is a feedback loop that should scare us all because of the enormous heat-trapping properties of methane. All across the planet, as it gets warmer, permafrost and heat start off-gassing this methane.

So there we are. We have to move fast. We need American leadership to be fully engaged in the vision of Mission 100, going to 100 percent clean and renewable energy in the fastest possible time. We have to quit subsidizing fossil fuels and start subsidizing renewable energy or at least put them on a level playing field with each other. We need a green new deal to completely rebuild our energy economy in the United States of America and create all kinds of jobs—all kinds of working American jobs: sheet metal jobs, electrician jobs, pipefitting jobs, jobs of every kind—as we rework the energy economy to build that vision of 100 percent renewable energy. Think how many jobs you would create if you just proceeded to renovate your house. Now think of the tens of millions of jobs if you renovate the entire energy economy of the United States of America.

We need American leadership to work in partnership with other nations so every nation holds each other accountable to this vision of transitioning to renewable energy.

We need American leadership to say to Germany: Yes, you have done some things very well on solar, but why are

you building a Nord Stream 2 pipeline to bring massive amounts of natural gas from Russia for the next-generation dependence on fossil fuel?

We need to say to Japan: You are putting your entire energy economy onto liquid natural gas. How can you meet your Paris obligations? How can you be a partner with the rest of the world if you are not willing to pursue renewable energy?

We need leadership in America that says to Australia: You are doubling down on coal while your outback is burning in the middle of your winter, and your Great Barrier Reef is half dead over the last couple of years from water that is too warm and too acidic due to climate chaos.

We need American leadership to tell China: Yes, you are investing in renewable energy at home. Great. Speed it up, but why are you financing 200 coal-powered plants around the world? That is not acceptable. Shut that down.

We have to have American leadership. This is not a question between economic development and the environment. Quite the contrary. In this case, renovating our energy economy creates a strong environment. It allows us to go to the cheapest form of energy on the planet, solar and wind.

Why is it the cheapest? Because there is no fuel. The fuel for solar is the Sun. We don't have to pay for that. The fuel for wind are the breezes that blow. We don't have to pay for that. In fact, just a few months ago Xcel Energy did a request for proposals for new electric generating capacity, and it came out at 2 cents per kilowatt hour for solar and 3 cents for wind. That is less than burning coal in an existing fossil fuel plant.

If you believe nothing about the damage to our planet because it is just too terrifying, and you don't want to hear that bad news, then at least turn to the economic opportunity of taking America forward to the cheapest, cleanest energy we can possibly have.

Wells Griffith, the administration's top adviser cop, said: "We strongly believe that no country should have to sacrifice economic prosperity or energy security in pursuit of environmental sustainability." That is the big lie. That is the big Koch brothers lie to the planet; that somehow we must sacrifice our economy in order to pursue cleaner energy, when in fact the opposite is true.

American leadership has helped take the world forward in all kinds of technology. Some of those famous moments was our leadership in splitting the atom and creating atomic energy, putting a man on the Moon, creating the internet, taking on significant diseases, and leading the world in wiping them out—diseases like polio. We need that kind of leadership today, leadership to work in partnership with the world to save our planet.

I yield to my colleague from Florida. The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I have been listening to our colleagues with

rapt attention at the excellence of their presentations and the depth of their understanding of this problem.

I couldn't help but notice on the charts of the Senator from Oregon, often the source was NOAA or NASA, two Agencies where we have had to worry, in the last 2 years, about the attempted muzzling of science, of scientists, and the seeming putdown of science—not by the Agencies themselves because they are such great experts. As matter of fact, when I have held several hearings at ground zero, which is South Florida, where we are seeing the effects of climate change in the rising of the seas and now are seeing a mean high tide and the water sloshing over the curbs of South Florida cities—having these hearings there, it is often NASA scientists and NOAA scientists who testify.

So I want the Senator from Oregon, the Senator from Delaware who preceded him, several others, and the Senator from Massachusetts to know how much I appreciate their taking up the banner and keeping on this matter.

I also want to say that if we do not change our processes of putting a lot of carbon into the air—and, as the Senator said, it is often methane, it is often carbon dioxide—the Earth will continue to heat up. If it gets heated up to something over 4 degrees Fahrenheit more than the average annual global temperature, that is the point of no return. At that point, you can't stop the heating up.

If we know the disaster now that we see in the sea level rising, the greater cost to government with the additional infrastructure, the moving of water wells further inland to keep away from the encroaching sea water and salt-water intrusion—if we know that, why in the world would we not contemplate the ultimate destruction of the planet if it gets too hot? I would love to get the Senator's comments.

Mr. MERKLEY. I appreciate so much the comments of my colleague from Florida.

I had the chance to go down to Florida at the end of October at a rally to address the challenge of red tide, algae that was growing in the ocean that produces a toxin. The toxin is so powerful that it was causing a lot of respiratory problems for people who live along the gulf coast, and it was killing a lot of animals. People were talking about manatees, dolphins, turtles, and fish washing up on the beach. Not only did they have the toxins from the red algae, but they had the stench from the dying sea life.

The sense of people who gathered to talk about this was that dramatic action is needed; that this was completely compromising the quality of life, the health of the oceans, and the ability to harvest food out of the ocean. People were saying they were actually taking inland vacations; that is, leaving the coast until the air would get better. They said that, unfortunately, the circumstances had been in

that bad condition for 10 months of the last 12 months—meaning they might not actually want to go back, at least not keep a home there.

I thought of the parallel from your State in Florida to my State in Oregon because we have an area in Southern Oregon that has been deeply afflicted by fire smoke the last two summers. The smoke has tainted furniture being sold. It has shut down outdoor events. It has stopped people from hiking the Cascade Trail. It is affecting the economy. House prices are changing. People are thinking twice about booking for—there is a different set of economic impacts. These are only the indirect impacts.

There is the direct impact on the Panhandle of Florida. I just saw the pictures of complete devastation when the hurricane came across earlier this year. Of course, we saw the pictures of complete devastation for some of the communities that the forest fires on the West Coast burned to a crisp.

So our two States and our citizens know there is a problem. Not everyone wants to face the underlying cause of methane and carbon pollution driving it, but everybody knows there is a problem.

We are fortunate to have your scientists—your NOAA scientists, your NASA scientists—and all the satellite information they are feeding us so we can study it and stand on the floor of the Senate and say: We do know the cause, and it is our responsibility as leaders of this Nation, leaders in the Senate, to proceed to make sure we act aggressively in partnership with the world.

I just want to say I thank you so much for your service in this Chamber and your knowledge about the scientific facts and willingness to never look away from them and to confront what those facts mean for the policies we need to adopt.

Mr. NELSON. Mr. President, I will conclude my remarks by just bringing you back to the vision that I had in the window of a spacecraft orbiting the Earth every 90 minutes. An hour of that was in the daylight of the sun and about a half-hour of that in the shadow of the Earth, which is the nighttime, looking at how beautiful the Earth was, and yet it looked so fragile. You could look at the rim of the Earth, that bright blue band, but right underneath it you could see that very thin atmosphere that supports all of our life. With the naked eye, from that altitude in the spacecraft orbiting the planet, you could actually see how we are messing it up.

You could see this in flight 34 years ago. As a matter of fact, our first launch attempt, 34 years today, took us five tries to get off the ground, but once we did, we could see with the naked eye how we are messing it up. Coming across Madagascar, the island nation off the southeast coast of the continent of Africa, you could see they had cut down all the trees. You could

immediately see the effects because when the rains came, there was no vegetation to hold the topsoil, and the topsoil was all running down. From that altitude, looking down, you could see that silt going out into the bright blue waters of the Indian Ocean. With the naked eye, you can see that. It is such a beautiful planet. We best take care of it.

Indeed, that was the effect upon me of having gone into space. I decided I wanted to be a better steward when I came back to Earth. Here we are, 34 years later, still fighting—fighting and fighting—to try to get people to understand what we are doing to ourselves. I thank this Senator, and I thank all the Senators who have spoken here, and I want your voices to keep strong and keep consistent and keep at it because sooner or later—hopefully, not after a catastrophe—the world's population is going to come around and understand that we have to be better stewards of our home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

U.S. TROOP WITHDRAWAL FROM SYRIA

Mr. RUBIO. Mr. President, earlier today, this morning, the administration announced the intent to remove all American troops—not a large presence, but all Americans troops—from Syria. I want to be clear, as I have been all day about this, that I believe it is a catastrophic mistake that will have grave consequences for the United States, for our interests, and our allies in the months and years to come. I want to take a moment to come here and explain why.

The rationale behind the decision we were given today by the administration is that there is no longer a need for U.S. presence in Syria because ISIS has been defeated. Just a week ago, the President's own envoy to the global coalition on ISIS said this, and I want to quote from the statement that he gave last week to the press. He said:

[T]he end of ISIS will be a much more long-term initiative. Nobody is declaring a mission accomplished. We know that once the physical space is defeated we can't just pick up and leave.

This was a quote from the President's own envoy to the global coalition on ISIS—not 6 months ago, 6 days ago. We don't have time here or I could take up all the time of the Senate to outline statement after statement from military and diplomatic officials in the administration basically echoing the same point.

The point that we are making is this. ISIS still controls territory, particularly, in the Euphrates River valley of Syria. From the territory they still control, they generate money, they control the population, and they produce propaganda videos. Even if that is taken away, ISIS is on its way to turning into an insurgency—meaning, no longer an organization that

controls vast spaces of land or has a capital city—an insurgency like we saw in Iraq, an insurgency like what al-Qaida operated like and continues to operate like. Insurgencies in many ways are even harder to defeat because they don't wave a flag and tell you where they are, because they meld into the population by day and then wreak havoc and suffering by night.

I am not here to deny there hasn't been true progress made against ISIS. There absolutely has. If you look at what ISIS had, what ISIS controlled when this administration began and where they are today, this has been a substantial achievement, but we have to finish the job. The job is not finished.

Why has ISIS's presence in Syria been degraded? It is because the United States, with a very limited military presence—we are not talking Afghanistan here with tens of thousands of troops. We are not talking Iraq here with a massive surge. We are talking about a very capable but light footprint of American primarily trainers and people there to assist, although they most certainly can fight and have done so in the past.

Working alongside a ground force made up of the Syrian Democratic Forces—primarily Arabs—and the Kurdish forces from the YPG, who are highly capable fighters from the Kurds, they have been on the ground fighting with our assistance and our direction and sometimes our direct involvement against ISIS in the Euphrates River valley. They are the reason why in that part of Syria ISIS's control has rapidly degraded. They are the reason, but they are the ones fighting. That has been a difficult thing to achieve because the No. 1 objective of the Kurds is to protect Kurdish cities and towns in northern Syria.

There is a longstanding dispute between the Kurds and Turkey. There is a Kurdish organization in Turkey, and then there is one affiliated with them housed in northern Syria and in cities that are Kurdish cities. Their No. 1 priority is maintaining their cities. That is what they care about the most. Getting them to actually take time out from that interest and confront ISIS was not easy. It has been an enormous achievement to partner and colocate with them in fighting and in degrading ISIS in that area.

As I said, it has not been easy because ISIS is not their top priority. Their No. 1 priority is maintaining control of the Kurdish towns and cities in northern Syria and, more importantly, preventing Turkey and the Turkish military from taking it from them.

They have been threatening to pull out of this ISIS effort for a long time, most recently when Erdogan went around saying: I am on the verge. I am going to invade. I am coming in. Any day now I am going after the Kurds in Syria.

We already knew that if that happened, many of these YPG forces—the

Kurds—would abandon the fight on ISIS and immediately be pulled into defending the Kurdish cities. Now that are we are pulling out, now that we are retreating, now that we are abandoning this effort, I can guarantee you that the Kurdish forces are going to leave. They are going back to the Kurdish areas to prepare to confront the Turkish military activity that they have announced and that could be coming at any moment. You know what that means? That means that there will no longer be anyone on the ground in the Euphrates River valley attacking ISIS.

Let me tell you what comes next. Now the pressure is off from ISIS. Now they can really regroup. This is going to give them an enormous propaganda victory. As they take more and more territory, they are going to brag about it. That is going to help them recruit new fighters and resurrect themselves. It is going to give them more territory. It is going to give them access to more money.

All of that is going to allow them to expand their insurgency plan. They are going to have more people, more money, and more territory to do it from because, again, the Kurds are going to leave. Now that we are leaving, they are leaving, and no one will be fighting ISIS on the ground in the Euphrates River valley.

In fact, ISIS might even be able to restart its specialized military training in that area. We are allowing ISIS to come back. Before long, we are all going to be talking about ISIS again—producing videos, kidnapping people, beheading people, taking territory, terrorizing people, and doing it as an insurgency, which is even harder to fight, as I said earlier.

Why is that happening? Who are the winners of all this? Let me tell you, I think the one winner here has been Erdogan. He has absolutely played us on this. It is truly stunning. He has spent months pressuring the United States to abandon the Kurds—diplomatically and in phone calls to the President and to others. He has spent months doing that. He has been putting pressure on the one side while also threatening military action on the other, in essence, saying: I am coming into Syria—the Turks—and I am going after the YPG—the Kurds—and I know U.S. troops are embedded alongside them, and you should be careful because we are coming in.

He has been doing this for months. The goal of it the whole time was to separate the United States from the Kurds, to get us to break up this arrangement that we had with them to fight ISIS, and it worked. He has achieved it. It is truly unbelievable that he has been able to get us to back down.

I want everyone to think about this additional complication. Turkey is a member of NATO. Article 5 of NATO says that if a NATO member is attacked, you all have to come to their defense and it is attack on all of us.

While there is some wiggle room about what the appropriate response should be, the bottom line is that the Turks have in the past threatened to invoke article 5.

Think about this for a moment. Think about for a moment if after being attacked, the Kurds—both in Turkey and in Syria—decide to attack back, as they will to defend themselves. Turkey is going to say: We are under attack from Kurdish forces and the YPG. We invoke article 5.

I want you to think for a moment about what position that puts the United States in. We have a choice. We can stand behind our article 5 commitment to NATO, but if we do so, we are going to have to help the Turks defeat—meaning kill—the very people who we were just colocated with today and yesterday and for months. The very people we have been working with to defeat ISIS for over 2½ years are now people that, if we allow article 5 to be invoked by Turkey, we are going to have to join in trying to defeat them—meaning kill.

The other alternative is to not respect article 5 and not come to their defense, and then you have placed the entire NATO alliance in doubt because it will have been invoked for the second time in its history, and the United States didn't respond to it. We lose either way. We either help them kill the Kurds, our partners, as recently as today, or we ignore article 5. That sounds pretty dramatic, and there is some wiggle room as to what the appropriate response would be.

Let there be no doubt, Erdogan is the kind of geopolitical hardball player to trigger this sort of response, and he has threatened to do it in the past—truly, unbelievably.

Who is the other big winner? Russia. In fact, their embassy in the United States already put out a tweet celebrating the decision. Why? First of all, because America is now out. At some point, people are going to have to sit down and decide what is the future of a post-ISIS Syria. You know who will be at that table? The Turks will be at that table because they are going to have a military presence in northern Syria. The Iranians are going to be at the table because they are the closest allies Assad has. Assad will be at the table, and Putin will be at the table. Guess who will not be at the table? The United States of America. Vladimir Putin, of course, is celebrating this decision because America basically walked away and gave up its seat at the table. We have no presence there any longer, and we have turned over this country and its future and its meaning in the region to Vladimir Putin and Iran and Assad.

Also, another reason why Putin is a big winner is because you can just imagine those meetings now when Putin goes to the Middle East and meets with the Egyptians and the Saudis and the Jordanians, and, frankly, even the Israelis. You know what he

will say to them? He will say to them: I don't know why you are counting on America. I don't know why you are relying on America. They are unreliable.

Vladimir Putin will say: Look at me. I stood by Assad. Even after the whole world came after him, I stood by him. I didn't retreat. Look at America. They abandoned these Kurds to be slaughtered by the Turks and maybe by the regime, and you are going to put the future and the security of your country in the hands of an unreliable and erratic partner like the United States?

It is a huge victory for Putin in that regard.

By the way, put yourself in the position of the Kurds facing an onslaught from the Turkish military.

You have now given them two choices. They can partner up with Russia as their protector against Turkey or they can partner up with the regime in Iran. That is the choice we have left them with.

The other big winners in all this are Iran and Hezbollah.

For a long time, Assad has allowed Iran to use Syria as a transit point to arm Hezbollah in Lebanon so Lebanon can threaten and attack Israel. They will now be able to step up those efforts.

There is no U.S. presence in Syria. There is no U.S. seat at the table, and you can fully expect that Iran is going to step up their engagement in Syria with Hezbollah.

Let me tell you why that is a problem. I will get to that in a moment. It has to do with Israel, but here is the bottom line. You can fully expect now that Iran is going to step up its own presence through the IRGC and through Hezbollah and through the militias they have empowered in the region right on the border with Israel.

Iran now has the ability to put weaponry and killers right across the Golan Heights, right on the border with Israel.

The other big winner in all of this, of course, is Hezbollah. As I said, they now have expanded their area and their supply route.

So I would be remiss if I didn't mention that with all this talk of ISIS, there is still an al-Qaida presence in Syria. They were called Nusra Front. Now it is Hurras al-Deen. They can change their name all they want, it is al-Qaida. They have operatives in Syria, and al-Qaida spends a lot of time planning external operations. We thank our men and women in Homeland Security, in the military, in our security systems and intelligence systems for protecting us, but al-Qaida spends all day long plotting and thinking about how to strike the United States around the world and here in the homeland, and the lack of a U.S. presence in Syria means that the Syrian branch of al-Qaida, Hurras al-Deen, now has the ability to operate in a space that is even more desirable than what they have today.

The last winner in all this is surprising because you may ask: What

does it have to do with Syria? It is China. You can just imagine the meetings now that China is going to be having throughout Asia. You have all these countries in Asia which see this sort of growing conflict between the United States and China, and they are trying to figure out how do we stay out of this fight, but if we are forced to pick, which side do we pick? They prefer us. We are more reliable. We are more capable. We believe in democracy and human rights and respecting them and that sort of thing, but China in those meetings is going to say: America is a power in decline. America is unreliable. America is erratic. The same argument that Putin is going to use in the Middle East and in Europe is the argument China is going to use against us all over the world and particularly in the Asia-Pacific region.

Those are the implications of these kinds of decisions. They will increasingly go to places like Japan and South Korea and others and say: You know, do you really want to put all your eggs in the American basket because they are an unreliable ally. Look at what they did to the Kurds in Syria.

Now, of course, there are losers, and obviously Israel, in this part, is one of them. The statement from the Prime Minister of Israel is pretty telling. He said: It is an American decision. We are not going to interfere with it, but we are going to do whatever it takes to protect our interests in this area. Translation? They are going to step up their attacks. They are already conducting strikes inside Syria. Every time they see a dangerous rocket system moving toward Hezbollah, anytime something that looks like it could threaten Israel from Syria pops up, they go in there, and they blow it up.

They are going to have to step up those efforts now because as those efforts increase, they are going to have to get more aggressive, and eventually they are going to kill Iranians. They are going to kill a lot of people in Hezbollah, but they are going to kill Iranians, and the Iranians are going to respond. Hezbollah is going to respond, and they are probably eventually going to respond by launching a vast volume of rockets coming over from Lebanon, and Israel is going to have to respond to that.

Suddenly, we have the next Israel-Hezbollah war, except this one is going to be much deadlier than the one 10 years ago because now Hezbollah has more rockets, better rockets that have longer range and precision in their guidance. So even if Israel has this incredible defense system, it can be overwhelmed by volume. It is such a small country. What do you think is going to happen when population centers in Israel cannot be protected from these attacks? Israel is going to respond, as they always have had to do in their self-defense, with disproportionate force, and we are going to have an all-out war potentially between Israel versus Iran and Hezbollah, and who knows where that leads.

I assure you, the United States is going to be called upon to help in that regard, at a minimum, by supplying Israel and maybe more. Who else could that pull in? This is not a game. There are serious repercussions if you think forward about what could happen next and how quickly this could destabilize the region and how quickly the pullout of a small American presence could lead to a much larger one down the road.

Ultimately, Israel is an enormous loser here because by the United States retreating, we have given the green light for Iran to expand its presence right on their border. This is the closest—other than Lebanon and Hezbollah—this is now the closest Iran has ever been to Israeli territory, just across the Golan Heights.

So think about it for a moment. You are Israel. You have problems in Judea and Samaria with the Palestinian Authority, you have issues in Gaza, you have Hezbollah in Lebanon, and now you have Iran with a growing presence just north of you in Syria. You are encircled. This is the predicament this helps creates.

By far, the biggest loser in this endeavor is the United States of America. We have surrendered our influence in the outcome of this conflict in Syria. At some point, nations are going to sit down and figure out what Syria looks like moving forward, and we will have zero role to play in it. It will be decided by the Turks and the Russians and primarily the Iranians and Assad, and we will have no role to play in it.

We have also undermined other nations' trust in the reliability of the American alliance, and the implications of that are extraordinary. If you think about the world today and nations like Japan and South Korea and Saudi Arabia and Egypt, these are countries that either can immediately or may in the future decide they need nuclear weapons to protect themselves: South Korea from North Korea, Japan from China, Saudi Arabia from Iran, Egypt from Iran. The reason many of these countries have been willing not to develop nuclear weapons is because the United States has, in the case of South Korea and Japan, directly assured their security, and that has kept the peace.

What happens when more and more nations develop weapons of mass destruction the way India and Pakistan have—about each other. Well, you have more weapons of mass destruction, and then it creates the possibility of miscalculation or, even worse, that a government—for example, in Saudi Arabia or in Egypt—is overthrown and some radical regime takes hold and they have nuclear weapons or they proliferate and sell it to people and that is used.

This is far-fetched for some people. This is reality. This is how foreign policy should be made, not just thinking about what is in front of you today but what could happen and the chain of

events that could be triggered by a decision. This is not a game. This is serious stuff.

On top of all that, losing the trust of our allies and nations around the world, losing our influence in a solution in Syria—ISIS is going to reemerge. It is not going to be the same ISIS it was before, controlling vast amounts of territory, but I will tell you what, al-Qaida never controlled vast amounts of territory. Operating from caves and hideouts throughout the Middle East, they carried out 9/11 and other threats against the United States and the homeland that were thwarted.

ISIS is going to reemerge now. They are once again going to be able to recruit people. They are going to have an insurgency that is going to be able to strike and perhaps externally plot. They are going to be able, from that presence they have in Syria, to influence their affiliates everywhere from the Philippines to Central Africa, to other countries in the region.

That is why I am here to tell you this is a catastrophic decision. Forget, for a moment, about no one being notified; it was just announced at the last minute. I haven't heard a single member of the administration—not one, not the Secretary of Defense, not the Secretary of State—who is going to own this decision? Who is willing to step forward and tell the American people or Congress, here is why we are making this decision, and here is the strategy it is in furtherance of? Someone explain that. It is important. The American people deserve to know. I haven't heard that today. We haven't heard it before.

We thought we had the outlines of some strategy here. All that has been taken away. Why are we doing this? What is the rationale and what comes next? What is the plan to keep ISIS from reemerging? What is the plan to keep Iran from growing its presence in Southern Syria and threatening Israel? What is the plan to deal with the al-Qaida element that already exists there? What is our role? What role are we going to play in a post-ISIS and post-al-Qaida Syria—and particularly as it relates to whether it can be used as a base of operations against our interests and our men and women in uniform stationed in the region. None of that has been outlined.

Is anyone in the administration going to own this and explain it? Because so far we haven't heard it, and this is an important public policy decision.

I hope I am wrong about all this. I hope this all works out, but it is not going to, and I am telling you, these are the kinds of decisions that define Presidencies. These are the kinds of mistakes that end up haunting a nation for years and years and years thereafter.

It is the hard lesson of Iraq. It is the hard lesson of decisions made at other times in our history. I hope this can be

reversed. I hope this can be reexamined because I honestly believe—put politics aside—I honestly believe this is a catastrophic decision for America's national security interests. If this stands, we in this Congress and we as a nation are going to be dealing with the consequences of it for years to come.

We will remember this day as the day that started it all. We will remember this day as a major blunder, in which by ignoring the advice of every diplomatic and military official who has spoken about this publicly for the last 2 years, we made a decision, for reasons that have not yet been explained, that triggered—that triggered—a series of events that no one foresaw at the time but proved to be much more dangerous and much costlier than anything we are doing there now.

So I honestly and sincerely hope someone in the administration is listening and that there is a chance to reverse or amend this decision before it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

LIVER TRANSPLANT POLICY

Mr. MORAN. Mr. President, I am here to speak tonight because something is not right. I want to express my real concern with the recent decision of the national liver allocation policy made by the Organ Procurement Transplant Network made on December 4.

This sounds like something that is far away and perhaps of no real consequence, but the decision that was made has huge consequences on every American and should be receiving more attention than it has to date because the number of organs that are available for transplant and where those organs will be available is being determined by this small group of people.

The decision they made throws aside expert advice from transplant surgeons and hospitals on best practices. It also carries the risk of decreasing organ donation rates, as donors learn their organs will not be used in their own communities but will be shipped someplace in the country. Places in the country today have donor programs designed to encourage donors to donate their organs, and part of that is the understanding that those organs are going to be available for your family, your friends and neighbors, and people within your community.

This decision limits the availability and access to donated organs in areas that currently have low wait times and damages the ability of our major transplant hospitals to perform these services for patients. In December of 2017, following two rounds of public comment period and extensive deliberation by the OPTN board, that board approved a compromise allocation policy that served the transplant community's best interests. This served as a policy reform that was worked out over

years to better benefit the entire country based upon compromise by transplant experts, patients, and stakeholders.

However, the next year in 2018, a lawsuit was filed based upon the HRSA allocation policies, and in the face of that single voice of criticism, they disregarded years of work and compromise that was reached the year before. It is unfortunate that the basis for this policy change was litigation, not a determination of how best to improve the Nation's organ transplant, procurement, and allocation process. HRSA has rushed to respond to this lawsuit by abdicating their duty to implement good policy, instead allowing a single case to divert liver allocation policy across the entire United States.

In October, I had a meeting with Dr. George Sigounas, the Administrator of HRSA. He described to me the importance of the comment period on these policies and how seriously his Agency would take them, especially considering that they were the very institutions and doctors who would go on to perform these transplants.

Shortly thereafter, I was disappointed to learn these comments were not comments made by the public, by these institutions, the doctors who perform transplants—that these comments were not even considered by the individuals tasked with crafting and advising the latest policy. In fact, Sue Dunn, the president of OPTN, has informed a number of commenters in the transplant community that their concerns over new policy were not even read by the board that approved the new policy. The reason these comments were not considered was due to the fact that OPTN's comment system was so overloaded in the days leading up to the decision that it caused a complete shutdown of that process.

So many transplant hospitals, surgeons, and medical professionals had deep enough concerns that they took the time out of their day to express them. These are the people tasked with saving lives through transplants each and every day. Yet their opinions, in essence, were deemed invalid. So many comments were submitted that the entire system shut down, and OPTN's response was simply to ignore them.

Further, OPTN did not choose to reconsider their damaging policies in the face of widespread opposition from the medical community. OPTN continues to push forward against all common sense in their pursuit to radically alter the way organs are distributed across the United States. Decisions on national organ allocation should be grounded in expert opinions rather than in a response to a single lawsuit. HRSA and OPTN are making a grave mistake in pushing this damaging policy that carries a significant cost—human lives.

In the meeting I had with Dr. Sigounas, as I indicated, he told me these comments should not just be comments but present actual suggestions of what the policy should be. I

know of institutions and organizations that did that, and to learn they were disregarded causes me to have great concerns.

The Senator from Missouri, Mr. BLUNT, and I have probed Secretary Azar, the Secretary of Health and Human Services, on this subject, and we are eagerly awaiting his justification for what appears to be a major significant error. It appears that HRSA and OPTN making policy in such a reckless fashion has become the normal state of affairs. Additional oversight may be necessary to ensure that fairness in organ allocation policy is protected and some common sense prevails in future policy. I know there is a group of Senators who are working on legislation to do just that.

I am very disappointed in the actions of HRSA, OPTN, and UNOS. This process has been flawed from start to finish, guided not by what is best for the country but how to sidestep a single lawsuit.

Organ procurement and allocation policy is too important. It is about life and death and is too important to be simply decided by lawsuits and countersuits, which I fear now will become the way of addressing this issue.

I will continue to work to protect our hospitals, our doctors, and particularly our patients—Americans—from this policy that disregarded all input from those in the transplant community. This discussion cannot be seen as anything coming to a close. It is far from over. I remain committed to finding answers, changing the tide, and putting patients and providers first in these life-or-death scenarios.

I thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

TRIBUTE TO MARCIA FUDGE

Mr. BROWN. Mr. President, 10 years ago this summer, we lost a longtime friend of mine and colleague, a remarkable public servant, Congresswoman Stephanie Tubbs Jones.

When MARCIA FUDGE, then the mayor of Warrensville Heights, a Cleveland suburb, won the special election to Stephanie's seat to represent the 11th Congressional District, including Cleveland and the home where Connie and I live, she had big shoes to fill, but MARCIA rose to the occasion. For the past decade, she has been a fighter for my hometown of Cleveland and the east side suburbs into Akron and all the Ohioans she serves.

On the Education and Workforce Committee, she has become a senior leader who knows how to get things done. She stands up for Ohio's teachers, students, and families.

MARCIA also joined the Agriculture Committee, perhaps not initially seen as a natural fit for someone with an urban district like hers, but she understands that farm bills are not just about crops. They are food bills, eco-

nomie development bills, conservation bills, research bills, and nutrition bills. She and I—and I am the first Senator in half a century to be on the Ag Committee for some of the same reasons Congressman FUDGE is on this committee. We have worked together to write two farm bills.

This year, we both served on the bill's conference committee, and we fought House Republican efforts to erect more bureaucracy to gut nutrition programs in Ohio that families rely on. These are programs for people making \$8, \$10, \$12 an hour who don't have quite enough income to feed their families. We won that fight.

Tomorrow the President is scheduled to sign the bipartisan farm bill we passed with overwhelming bipartisan support in both Houses. Congresswoman FUDGE and I worked to right a century-old wrong and get Central State University the 1890 land grant status they deserve. That designation isn't just a rhetorical honor; it means more opportunities for funding and research in partnerships with industry—the sort of results that Marcia delivers for her district.

She is a leader among her colleagues. As head of the Congressional Black Caucus, she led the fight on so many issues, including working to ensure that all Americans have a voice in their government.

A few years ago, we held a field hearing on barriers too many Ohioans face exercising their most fundamental right—the right to vote. MARCIA was a star in that hearing. It came in the wake of a despicable Ohio law and, frankly, years of attempts at voter suppression by Ohio Republicans—a despicable Ohio law that cut the number of early voting days in half.

We know exactly whom these laws are aimed at. MARCIA testified about how these suppression tactics hurt communities of color. Unfortunately, it has gotten worse—limiting absentee balloting, restricting provisional balloting—and the Supreme Court, a Court that puts its thumb on the scale of justice in support of corporations over workers, a Court that puts its thumb on the scale of justice to support Wall Street over consumers, and a Court that rubberstamps all these restrictions on voting.

I look forward to continuing our fight alongside MARCIA against these tactics straight out of the Jim Crow era. I know MARCIA will continue to be a leader. There is no doubt, even before her election to Congress, that MARCIA was a force to be reckoned with: a former mayor, a former congressional chief of staff, and former national president—as important as anything she has done, I think in her mind—of Delta Sigma Theta. She still helps lead efforts to bring Deltas from around the country to the Hill each year for Delta Days. Hundreds of driven, ambitious, smart, committed, empathetic talented Black women come to our Nation's Capitol to meet with Members of Con-

gress and make their voices heard. They have an incredible role model in MARCIA FUDGE.

I am grateful, Congresswoman FUDGE, to have you as my Congresswoman. I am proud to call you a colleague and a friend.

ECONOMY

Mr. BROWN. Mr. President, I noticed today news reports from Bloomberg that the year 2017 is shaping up to be or likely was the most profitable year in Wall Street history. So what is Congress's reaction to that? What happens in the majority leader's office? More special interest legislation, more breaks for Wall Street, more tax cuts. So this Congress—this Congress has decided that Wall Street never quite has enough; that the richest people in this country are never rich enough; that the most powerful people in this country are not powerful enough.

So what happens down the hall in the majority leader's office? What happens way down the hall in the Speaker's office, although voters this year decided this year to eject him and his staff and his cohorts and his fellow travelers—if I can use a phrase like that—from that office and elect a whole different group of people.

What they have done is meet behind closed doors to help the oil companies, the drug companies, the gun lobby, and help especially Wall Street. In fact, not only are there all kinds of Wall Street lobbyists day in and day out—tobacco lobbyists, gun lobbyists, and others, but the White House itself looks like a retreat for Wall Street executives.

We know that. That is why, I guess, Wall Street had such a great year in 2017.

TRIBUTE TO PAT ROGALA

Mr. BROWN. Mr. President, I want to honor the career of Patricia Rogala, who has been with my office our entire 12 years in the Senate and my 14 years in the House before that. Pat is the model of a dedicated public servant. After more than 25 years serving the people of Ohio, Pat is retiring at the end of the year.

Her first day on the job in Cleveland, Congress was in the middle of a fight—sounds familiar—over healthcare. Some local activists sent an Elvis impersonator to the office singing a healthcare song to the tune of "It's Now or Never." Pat said at the time, "What am I getting myself into?"

Fortunately, she stayed. As our Ohio scheduler, she has sent me all over my State. She has helped me put more road miles on our made-in-Toledo Jeep Cherokee than any travel agent ever could.

She has made sure I am able to serve Ohioans through meetings and roundtables and plant visits. She juggles a Senate schedule that changes—as we see tonight—always at the last minute. She ensures that this

office serves every corner of Ohio. She works directly in concert and coordination with Diana Baron in our Washington office. It is a tough job, but Pat makes it look easy.

One of our colleagues in our office wrote this week that Pat has been a true friend and wonderful coworker. What a loss we will feel come Monday when she is not sitting in her office hard at work. It is a loss to all of us.

We will miss you, Pat. You have had an incredible impact on your colleagues. You made such a difference serving Ohio for the people of Ohio, but after a quarter of a century, you have earned a long and happy retirement. Your family needs you, and your family loves you so.

Thank you, Pat.

(Mr. RUBIO assumed the Chair.)

TRIBUTE TO MARGARET MOLNAR

Mr. BROWN. Mr. President, I rise to honor the career of Margaret Molnar, a dedicated public servant who has made a difference in the lives of thousands of Ohioans and who is retiring soon after 12 years with my office.

She joined my Ohio staff the very first year I came to the Senate after a long career at Legal Aid. Her entire life has been dedicated to helping those people in need. In the past 12 years, Margaret has worked on more than 10,000 cases. Those are 10,000 Ohioans whose lives she has touched. Many of these were seniors trying to navigate bureaucracy and get the Social Security and Medicare benefits they have earned. Margaret went above and beyond the call of duty for them.

She worked on one case for 5 years. It was a complicated one, helping an Ohioan who was taken as a baby from Lithuania, brought to a displaced persons camp in Germany after World War II, and then finally brought to America.

They were having trouble finding the documents he needed to prove his eligibility for Social Security and Medicare, two Federal programs for which he had paid in. The case at times seemed hopeless, but Margaret never gave up. This year she was finally able to track down the documents this Ohioan needed to secure the benefits he earned. That was par for the course.

She worked on another case for a constituent who had been trying to get someone to intervene regarding her mother's Medicare coverage. The woman's daughter wrote that Margaret's "caring, expertise, and knowledge of the medical system and Federal programs cut through all the gobbledygook I was facing, and pointed us in the direction of help when not one other agency or politician would."

Our office has received so many letters of praise and thanks like that for Margaret.

One Ohioan wrote to Margaret:

You and Senator Brown have accomplished what I was beginning to believe was impossible—the Social Security backup was in-

deed transferred to my account yesterday. I cannot thank your office enough. I cannot even begin to explain what a Christmas gift this is. I truly was beginning to wonder and worry about how I was going to make ends meet for the next several months.

Again, it is par for the course for Margaret Molnar.

Another woman wrote after her brother passed away, who Margaret helped in the last years of his life:

I will never forget how much you have helped enrich Robert's life while he was with us. Forever, we will be grateful. You immediately responded to my email and got the ball rolling and never gave up on Robert. You are like family.

Another woman wrote:

I did not know how to fight this type of issue, it seemed bigger than life to me. You truly have done a wonderful job. I appreciate you stepping in for me . . . your office truly cares about people.

In a last note, another couple wrote: "I hope Senator Brown knows how fortunate he is to have you on his staff." I know that, and Ohio knows that.

TRIBUTE TO BETH THAMES

Mr. BROWN. Mr. President, I rise to honor the career of an indispensable member of my staff, Elizabeth Thames. Beth has been with my office for over 20 years—all 12 years in the Senate and about a decade in the House before that.

Now, after serving the people of Ohio for these 20-plus years, Beth retires at the end of the year. She joined our office after working as an editor at the Elyria Chronicle-Telegram. Far from being the enemy of the people, Beth knew what journalism was, knew how important it is, and knew to tell stories to help people, to afflict the comfortable, and to comfort the afflicted.

Beth brought that same spirit to our office. She helped our office to connect with the community in Northeast Ohio and around the State. She writes down the name of every single Ohioan we meet together so we can better serve them. Her work has had an amazing impact on the people of Ohio.

At meetings, at roundtables, and at community events, she listens and she learns about problems. She understands what Lincoln was talking about when he said: Go out and get your public opinion. She listens to people who don't often get listened to, and she is a voice for people whose voices are often not heard.

In 2012 and 2013, she began hearing more and more about infant mortality—a huge problem in our State, particularly for African-American babies. Frankly, State government didn't seem to give a damn. Constituents would bring up this issue over and over, but no one was doing anything about it. She started calling around. She met with anyone who would talk to her about what the State and Federal Government could do.

She called Arthur James, a doctor on the faculty at Ohio State and at the Nationwide Children's Hospital. He was

sounding that alarm. He met with Beth and told her how bad things were. A crisis at the time, Ohio—a generally wealthy State, which could do so much better were it not for corrupt State government—had the third highest infant mortality rate in the country, and ranked last for African-American babies.

Beth started this conversation before many people were paying attention. She pushed every level of government to take this seriously. She talked with public health departments, with home visiting programs, with hospitals, with nurses, with doctors. She started conversations with legislators and legislative staff about what we could do on the Federal level, the State level, and the local level.

It is because of her that we passed and President Obama signed the bipartisan Sudden Unexpected Death Data Enhancement and Awareness Act. It is because of Beth that we wrote to the Consumer Product Safety Commission and got them to add warnings to crib bumpers to promote safe sleep.

It is because of Beth's hard work that then-Secretary of HHS Sylvia Mathews Burwell visited my hometown of Mansfield, OH, to see the great work that the Doctors Redding—husband and wife, two doctors in Mansfield, OH, my hometown—were doing and to see the great work they and community health workers were doing to help moms have healthy pregnancies and deliver healthy babies. The change was dramatic in the number of healthy babies who were born as a result of the work of all of them.

We have more to do, but all of Beth's efforts have given our State important tools to pay attention to monitor this problem and to figure out how to solve it.

For Beth, of course, it wasn't just infant mortality. Any time she heard about an issue in a meeting or roundtable, any time she heard about how our office could look and search for and find problems and find ways to be helpful, she was. She called agencies and offices. She talked with legislative staff. She always tried to find a solution.

She heard from veterans about the challenges using GI education benefits. This year she spearheaded our first student veterans conference. We spread around the State to help student veterans, soldiers, sailors, air men and women, and marines who come back after serving to integrate into classrooms in a difficult situation, where they are around college students who are usually younger than they and didn't have their life experience. She connects those student veterans with resources that allow them to get the most out of the benefits.

For all of her efforts, Beth never sought recognition. She is generally quiet as a person. I can imagine her right now telling me to stop. She doesn't need all this fuss.

This fall, the Elyria NAACP gave her an award—something she probably

hoped I wasn't going to talk about—called the “Unsung Hero Award.”

That is Beth. By the end of a long career that touched so many lives, I can't let her go without giving her the recognition she reserves.

Beth Thames, thank you for what you have done for our State. Thank you for what you have done for our country.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Idaho.

UNANIMOUS CONSENT REQUEST—
H.R. 1677

Mr. RISCH. Mr. President, I come here today to talk about an issue that has been talked about quite a bit here on the floor today, and that is the situation in Syria. I know there has been a lot of debate today about what is happening there and what happened today in Syria.

But I bring to the floor today something that I think should get the unanimous consent of everyone. The House passed this resolution some time ago. It was by voice vote—no recorded “no” votes. It was essentially a unanimous consent bill.

When I am through with this, I am hoping everyone here will agree with me that this is the right thing to do and something that will actually address the situation that is taking place in Syria.

This bill declares that it is U.S. policy to use all diplomatic and economic means to compel the government of Bashar al-Assad to stop the slaughter of the Syrian people and work toward a democratic government. The use of sanctions are a critical tool of U.S. foreign policy, and that is what we are talking about here today—the implementation of additional sanctions. They often allow the United States to have a strong impact on a country and serve the U.S. national security interests without having to implement military measures and put U.S. troops in harm's way.

I believe—and most of us believe—that H.R. 1677 helps meet those interests. How does it work? Here is how it works. First of all, it imposes fresh sanctions on entities conducting business with the Assad regime and its military and intelligence agencies. A number of regime-controlled industries—including in the airline, telecommunications, and energy sectors—will also be targeted.

It aims to encourage negotiations by allowing the President to waive sanctions if the parties are engaged in meaningful negotiations and the violence against civilians has ceased.

The bill also authorizes the Secretary of State to support entities that are collecting and preserving evidence for the eventual prosecution of those who committed war crimes and crimes against humanity in Syria from March 2011 to the present and requires the President to report to Congress on the

identity of those who are responsible for or complicit with gross violations of human rights of the Syrian people.

There is no doubt that we are going to get to that point. It is not going to happen tomorrow, and it is not going to happen the next day, but no one on Earth can do the kinds of things that Assad has done to his own people.

We all know that there have been poisonous substances used and weapons of mass destruction used by Assad against his people. Eventually, those who are responsible are going to have to face the music for that, and they are going to have to be prosecuted for that.

This bill helps to preserve the evidence and the identity of those who are involved in that. As I noted, the House passed this some time ago, and virtually without resistance. On November 30, the administration issued a White House statement supporting H.R. 1677. The administration said:

The bill would add to a robust set of tools at the Administration's disposal to help bring to an end the heartbreaking ongoing tragedy in Syria and to hold Syrian officials accountable for the slaughter of civilians and other atrocities. This bill will help provide additional leverage to achieve the United States government's objective to de-escalate the military conflict and support the United Nations-led peace process and a transition to a government in Syria that honors the will of the Syrian people, respects the rule of law and human rights, and peacefully co-exists with its neighbors in the region.

The bill effectively targets the Assad regime and its supporters with additional financial sanctions and some crippling economic tools. We have all seen some very recent examples of how well our sanctions have worked because of the United States' position in the banking industry and, indeed, in the world economic structure.

In order for us to get the Iranians out of Syria and help bring a permanent defeat of ISIS, we must pursue a politically negotiated solution that will have a major change in the current Syrian regime structure. The Syrian people are a noble people. Their culture has been an organization that has existed since Biblical times. These are a noble people, a good people as a population, and they do not deserve this. From a humanitarian perspective, this legislation expresses the long overdue outrage for the 500,000 Syrians killed by the Syrian dictator, Iranian forces, and their allies.

Dictators are evil. Whether they are religious or secular, royals or oligarchs, they are evil.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 620, H.R. 1677; that the committee-reported amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. PAUL. Reserving the right to object, today President Trump announced that we have won the war against ISIS in Syria. Our troops are coming home. Thank you, Mr. President.

The Syrian civil war is largely over, but Syria is a mess and desperately needs reconstruction. These sanctions will delay—and possibly prevent—the reconstruction of Syria and the beginning of a healing time. Now is the time for diplomacy.

There are many actors—including Russia, Iran, Turkey, the United States, and others—but this is the time for diplomacy, not for new sanctions. So I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Idaho.

Mr. RISCH. Mr. President, to respond briefly, with all due respect to my friend and colleague, the Senator from Kentucky, I respectfully urge that this is exactly what is needed to encourage the diplomacy that he wants, that I want, that all of us want.

As far as discouraging that, this resolution actually gives the President the authority to grant waivers when and if they finally get to the diplomatic track.

So with all due respect, I disagree with that. I understand he has the right to object to this. It is unfortunate. We had the 435 members of the House hotline this here. There are 99 Members here who signed off on this legislation. It is very unfortunate.

The Syrian people do not deserve the treatment they are getting from Assad, and this resolution is aimed directly at stopping it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDUCATION PROGRAM MODERNIZATION ACT

Mr. LANKFORD. Mr. President, I ask the Chair lay before the Senate the House message to accompany S. 943.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 943) entitled “An Act to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.”, do pass with an amendment.

MOTION TO CONCUR

Mr. LANKFORD. I move to concur in the House amendment.

The PRESIDING OFFICER. The motion is pending.

Mr. LANKFORD. I know of no further debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion to concur.

The motion was agreed to.

Mr. LANKFORD. 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.

The Senator from Oklahoma.

UNANIMOUS CONSENT REQUEST—
H.R. 4887

Mr. LANKFORD. Mr. President, the Federal Government awards more than \$600 billion in grant awards—\$600 billion. We actually do more in grant awards than we do in contracting. Our current system is riddled with outdated reporting mechanisms that burden grant recipients and inhibit oversight from Agencies in Congress.

The bill, H.R. 4887, which is called the GREAT Act—Grant Reporting Efficiency and Agreements Transparency Act—tries to put some sense into this process. This is a process that has worked with all of the grant requesting Agencies. Whether they be universities, whether they be entities for research, they have all gone through this for the past couple of years, actually. They have given a tremendous amount of input because they struggle in actually requesting the grants and in getting through all of the chaos of those grants.

The OMB and other entities are not getting the data information to the American people, so there is no transparency in that process. For the past couple of years, we have worked very hard to establish a good process of getting transparency and also of helping the grant-requesting entities get a more efficient process.

The GREAT Act would require, within 1 year, OMB and the leading grant Agency to establish a governmentwide data standard for information related to Federal awards. Within 2 years, guidance must be issued for grant-making Agencies on how to apply those standards and implement them into the existing reporting practices. Within 3 years, Agencies must ensure that all grants and cooperative agreements use the new data standard for future information requests. This is exceptionally important to get through the process so that we are not squandering \$600 billion in grants.

Let me tell you what this process has gone through.

In February, H.R. 4887 passed unanimously out of the House Oversight and Government Reform Committee. Then it went to the House Calendar, and it passed unanimously on September 26. Every Democrat and every Republican in the House voted for this. Subsequently, Senator ENZI and I passed our amended Senate companion to H.R. 4887. It passed unanimously out of the

Homeland Security and Governmental Affairs Committee in September.

The bill being considered today is reflective of bipartisan support from both the House and the Senate. This bill, H.R. 4887, cleared the Republican hot-line weeks ago. Every single Republican has already cleared this. They want the transparency in the grant process and want a better grant process for all of the grant requesters. It is not yet clear on the Democratic side.

My simple request doesn't just come from me. This request comes from the Grant Professionals Association, the National Grants Management Association, the Association of Government Accountants, the American Library Association, the Scholarly Publishing and Academic Resources Coalition. Leading universities around the country have just asked to improve this grant-making process. Every single Democrat in the House has affirmed this, and every Republican in the House and every Republican in the Senate has already cleared it. We are just asking for this bill to move forward and to be passed.

I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4887 and the Senate proceed to its immediate consideration. I further ask that the Johnson 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. Is there objection?

The Senator from Ohio.

Mr. BROWN. Mr. President, in reserving the right to object, these are not Mick Mulvaney's decisions to make—or whatever job Mick Mulvaney happens to be in this week. These are not Alex Azar's decisions to make. Congress needs to do its job. On behalf of the minority leader, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I am a little confused when every grant-making and requesting organizations—all of the universities around the country—are requesting this. Every single Democrat in the House has already affirmed this. There does not seem to be a great fear of Mick Mulvaney at the OMB since, by the time this will be implemented, it will be 2022. So it is a little bit confusing to me why getting more transparency in grants and helping grant requesting organizations would be controversial.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

HEALTHCARE

Ms. KLOBUCHAR. Mr. President, I rise to speak about some of our colleagues who are leaving the Senate. Be-

fore I do that, I want to address what happened late on the Friday night—I think 9 days before Christmas—when a Texas judge basically threw out the Affordable Care Act.

This latest decision comes more than 6 years after the Supreme Court, in an opinion written by Justice Roberts, already upheld the law's constitutionality. That opinion also found that parts of the law can be severed from the rest of the legislation. It comes after the administration has stated emphatically that it would not defend the law.

So, basically, instead of going in there and helping out to save healthcare for millions of Americans and protect them from being thrown off their insurance if they have pre-existing conditions—instead of going into that burning building—the administration has said to basically stand down and throw lighter fluid on the fire. That is exactly what has happened. If this ruling takes effect, the consequences will be devastating.

To start, protections for people with preexisting conditions would be gone. About half of all Americans have preexisting conditions. This isn't just about rare diseases. This is also about asthma and diabetes. The ability to keep your kids on your insurance plans until they are 26 years old will be gone. The work we have done to close the Medicare doughnut hole coverage gap, which makes it easier for our seniors to afford pharmaceuticals and to lower prescription drug prices, will be gone. The provisions that help people to buy insurance on the healthcare exchanges will be gone. Minnesotans will see a loss of \$364 million in premium tax credits, and, roughly, 272,000 people in my State will lose coverage.

We can't allow this to happen. The judge must issue a stay immediately until the appeals are completed so that these protections can stay in place and this decision can be overturned.

It is time to stop trying to start from scratch. The American people spoke in this last election across the country. Do they want improvements to the Affordable Care Act, like making pharmaceuticals less expensive and doing something about premiums? Yes, they do, but they don't want to start from scratch.

We have already seen what kind of healthcare proposals we get when we start from scratch—the ones that my colleagues on the other side of the aisle have put forward. The legislation that we saw earlier this Congress would have hurt people by kicking millions off of Medicaid, by letting insurance companies charge people more when they get sick, and by jacking up healthcare costs. Every major group that you trust when it comes to your health—the largest groups of doctors, nurses, seniors, hospitals, people with cancer, Alzheimer's, heart disease, and diabetes—has said it was the worst repeal bill yet. We cannot spend the next 2 years going backward and fighting

old fights. We need to focus on building on the work we have done and strengthening and improving the Affordable Care Act.

I have always said that the Affordable Care Act was the beginning and not an end, and we all have heard from those on the frontlines; doctors, patients, seniors, and those working to combat the opioid epidemic say that repeal is not the way forward. We should now be governing from opportunity and not from chaos.

It means passing reinsurance programs, like the bipartisan legislation, which I am proud to cosponsor, that Senator ALEXANDER and Senator MURRAY put forth, and using ideas that have worked in Minnesota and taking them out on a national basis.

It means doing something about skyrocketing pharmaceutical prices and passing my bill that has over 30 cosponsors to allow Medicare to negotiate for less expensive drugs under their Medicare part D—literally lifting the ban that says that the 41 million seniors of this country shouldn't be allowed to get a better deal.

It means passing my bill with Senator GRASSLEY, which we just improved upon today, to limit anti-competitive pay-for-delay deals, which delay more affordable generic drugs from getting out on the market.

It means allowing less expensive, safe drugs to come in from other countries so that we can have true competition. We could even put it to a trigger so that if there were not competition, then you could allow the safe drugs to be purchased from other countries, and I think that it would create a major incentive for drug prices to go down.

What we need to do is work together on the many bipartisan proposals that have been put forward to actually improve the Affordable Care Act, not throw it out and not throw people who have preexisting conditions off their insurance.

TRIBUTE TO DEPARTING SENATORS

Ms. KLOBUCHAR. Mr. President, I have already given speeches in this Chamber about my four friends, departing Democratic colleagues, Senators HEITKAMP, McCASKILL, NELSON, and DONNELLY. Now I rise to recognize my Republican colleagues who are leaving the Senate.

Let me start with ORRIN HATCH, who is truly one of a kind.

Out of 100 Senators, none of us can say that our great-grandfather founded the town of Vernal, UT, home of the Dinosaur Roundup Rodeo. None of us can say that we served as a Mormon bishop or that we started off working as a janitor to pay for school and then went on to become the most senior Republican in the U.S. Senate.

None of us can say that we moonlight as a singer, songwriter, and famed lyricist, whose catalogue includes the classics: "Heal Our Land," "Eight Days

of Hanukkah," and his ode to Manhattan, "Skatin' with My Baby." ORRIN HATCH's songs have been featured in the movies "Oceans 12" and "Stuart Little 2."

While Senator HATCH takes pride in all of his accomplishments, I know that he is proudest of his family: his wife, Elaine; their six children; 23 grandchildren; and 24 great-grandchildren.

Senator HATCH and I have worked together for a long period of time. He was first elected to the U.S. Senate in 1976, and I also got my start in elected life that year as the secretary-treasurer of my 10th grade high school class. Washingtonian Magazine once named us the two Senators least likely to get into a scandal, which I assume includes with each other.

We are both members of the Senate prayer group. One time I will never forget was when he was speaking at the National Prayer Breakfast and his phone started ringing and he had to improvise in front of the entire National Prayer Breakfast. He said that God was calling him with prayer advice as he answered the cell phone.

Most of all, we have teamed up on many issues that matter to the American people. We are cochairs of the Rare Disease Caucus.

We have helped to make our schools safer just this spring by adding \$1 million to improve school security. We led a bipartisan bill that was passed unanimously in this Chamber, and it was signed into law.

We worked together to restore the integrity to our patent system.

He also has been a supporter of comprehensive immigration reform, something we need more of in this Chamber.

I will always be grateful for the opportunity I have had to work with Senator HATCH, someone who has dedicated his life to serving his State and country for more than 40 years.

I also want to honor the service of my colleague from Arizona, Senator JEFF FLAKE, whom I have truly enjoyed working with during our time together in the Senate.

JEFF has never invited me to travel with him to a deserted island, as he did with Senator HEINRICH, but we did once stay with JEFF and his wife, Cheryl, at John and Cindy McCain's ranch, and let's just say it had a few more amenities than he had on the island with Senator HEINRICH.

During that memorable visit to Sedona, I saw firsthand how dedicated JEFF is to his family. I remember how early he got up one morning to travel to his son Tanner's track meet. That afternoon he actually sent me a photo of Tanner taken after he had won the event.

I also have seen how much he loves his home State. At heart, he is a fifth-generation Arizonan, one of 11 kids who grew up on a cattle ranch in the town of Snowflake. That land had first been owned by his great-great-grandfather, who had come to Arizona in

1878, and then it was passed down generation to generation.

I learned a lot about the Flake family history through JEFF's book, which I once read in its entirety on Christmas Day. What I most remember from that book was that growing up, JEFF's family had a card on the refrigerator, and this is what it said: "Assume the best. Look for the good."

It is that unshakeable sense of optimism and faith in the decency of other people that Senator FLAKE has brought to the U.S. Senate. He has been willing to work across the aisle to do what he thinks is right, even when it has sometimes meant breaking with his own party.

JEFF knows what is at stake, for instance, with immigration reform. He wrote in his book: "From a very young age in ranch country, you get to know immigrants intimately and honestly" and you know "how indispensable they are to making things work in America."

It is clear that those lessons have stayed with him. I have seen it as JEFF has worked to build bipartisan consensus on immigration issues, reaching across the aisle to find a solution to try to protect our Dreamers.

I have seen it when we joined together to introduce a resolution, the two of us, recognizing the contributions of Muslim Americans. That resolution passed the Senate because JEFF FLAKE was willing to cosponsor it with me.

I have seen these values as Senator FLAKE has worked with a bipartisan group of us to normalize relations with Cuba. This commitment dates back decades to his earlier experience in building democracy in Namibia. So when President Obama took up the cause of Cuba, JEFF did not hesitate to lend his support, and together Senator FLAKE and I led the bill to lift the embargo on Cuba, along with Senators ENZI, LEAHY, and many others.

JEFF's voice has been particularly needed lately in the face of grave threats to our democracy and the rule of law. He has been a strong advocate for this bipartisan legislation that the Senate Judiciary Committee passed to simply protect the work of the special counsel, and he has taken a stand to try to ensure that the bill gets a vote on the Senate floor.

As a daughter of a journalist, I also deeply appreciate Senator FLAKE's leadership on behalf of a free press, which is essential to our democracy.

At a time when journalists are under attack, when reporters are risking and losing their lives and the President is calling them "the enemy of the people," it has never been more important for us to speak out for the First Amendment. So when JEFF FLAKE took to the Senate floor in support of freedom of the press earlier this year, I was proud to speak after him.

While JEFF will be so missed in the Senate, I have no doubt that he will

continue to use his strong voice on behalf of the issues he cares about, on behalf of his State and our country, which he has served so well.

Also, Senator CORKER. Senator CORKER and I were elected to the Senate at the same time in 2006. He was the only Republican Senator in our incoming class. I see Senator CARDIN here in the Chamber; he was also a Member of that class. We all have remained friends with Senator CORKER over the years. I will tell you that Senator CORKER never misses Senator MCCASKILL's annual chili party. He has been very good to us, and we have worked together for years.

Before becoming a Senator, BOB CORKER had two previous experiences as an elected official. He was the mayor of Chattanooga and the president of a high school class. He claims that he did not even have to campaign for that job. Here is what he said: "I just woke up one day and was president." That is not how it usually works in politics.

It turns out that BOB's roots were actually, of course, in business. He saved up \$8,000 to start his own construction company at age 25 and then expanded it to 17 other States, and he has brought this commonsense business background to tackle difficult problems head-on, while always calling it as he sees it.

We have seen that in his chairmanship of the Foreign Relations Committee, where BOB has spoken up to defend the values that define America, including strongly stating that he felt this Chamber and the administration had to do more in response to the murder of journalist Jamal Khashoggi.

We have seen it as Senator CORKER has worked to strengthen our alliances. I can tell you, when I was having trouble getting the nominees to be Ambassadors to Sweden and Norway through the Congress last Congress, which is very important in my State with its Scandinavian roots, I knew that I could count on his support.

We have seen it in his efforts to combat human trafficking, an issue I also care deeply about.

BOB has so much to be proud of at the end of his chapter of public service and begins another back home in Tennessee.

Finally, I want to recognize my friend and colleague, Senator DEAN HELLER of Nevada.

DEAN has dedicated so much of his life to public service on behalf of his State—in Nevada's legislature, as secretary of state, in Congress, and in the U.S. Senate.

His family moved to Nevada when he was only 9 months old. As the son of an auto mechanic and a school cook, he has often said that he is likely one of the only Senators who can change your oil and fix your transmission.

Nevada is obviously a State with no shortage of tourism, and DEAN has worked with me as cochair of the tourism caucus to promote tourism

across our entire country. He understands that when we increase tourism, we not only create jobs and strengthen our economy, we also strengthen our alliances and export our values.

It is that same philosophy that is behind his efforts, along with Senator FLAKE who is here in this Chamber, to normalize relations with Cuba. DEAN and I traveled to Cuba, along with Senator FLAKE, with President Obama, and I deeply appreciated his commitment, as well as Senator FLAKE's and others, to improving the relationship between our countries and opening up new opportunities for American businesses.

I have valued our time together on the Commerce Committee, where we led bills that passed and were signed into law regarding more women getting into science, technology, engineering, and math at NASA. We are proud that both bills were signed into law.

I have enjoyed serving with DEAN HELLER in the U.S. Senate, and I thank him for his service.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

HEALTHCARE

Mr. CARDIN. Mr. President, I take this time to talk about the recent court decision concerning the Affordable Care Act.

I see that Senator FLAKE is on the floor. I was listening to my colleague, Senator KLOBUCHAR, talk about the four colleagues on the Republican side who will be leaving. I have already had a chance in the Foreign Relations Committee to talk about Senator FLAKE, but I want him to know, and I want the American people to know, that there is no finer Senator than Senator FLAKE. He has shown great integrity on foreign policy issues, on decency issues, and on his principles.

I will never forget our visit to the southern part of Africa, where Senator FLAKE was a missionary when he was a little bit younger, and his passion for the people and their needs has never stopped. That is just one example. I can name many more examples of how Senator FLAKE has inspired all of us. The courage that he has shown has been an inspiration. I wish him the best as he moves on to the next chapter in his life.

I rise today to discuss America's access to healthcare and the patient protections that are currently being threatened by President Trump and his administration; specifically, his decision to not uphold the Patient Protection and Affordable Care Act, the law of the land.

Last week, Judge Reed O'Connor of the U.S. District Court for the Northern District of Texas ruled that the Affordable Care Act is unconstitutional and that the law is not severable from and cannot stand without the individual mandate penalty, which Republicans eliminated in their December

2017 tax bill. While this ruling is being appealed, President Trump has the opportunity to stand up for the American people.

Over and over again, we have heard President Trump promise to lower prescription drug prices for seniors, end the opioid epidemic, and improve the availability and affordability of health insurance. Yet, for any of his proposed policies to succeed, President Trump needs the Affordable Care Act, even though he will not admit it.

Without the Affordable Care Act, which closed the doughnut hole for seniors, many older Americans would likely spend around \$2,000 more in out-of-pocket costs for prescription drugs each year. Rather than helping our seniors lower costs, with the loss of the protection under the Affordable Care Act—the benefits—they will end up paying more.

Furthermore, the Affordable Care Act created the Centers for Medicare and Medicaid Innovation, which is the basic infrastructure for the Trump administration to test the recently released drug-pricing proposals. Without the ACA, the Centers for Medicare and Medicaid Innovation would not exist, and President Trump would need congressional approval to implement such a sweeping national test on drug prices.

We all should be committed to reducing the cost of prescription drugs in this country. The President ran on that when he was Candidate Trump.

We know that as Americans we pay so much more than people from other industrialized nations for the same drugs, many of which are manufactured right here in America. The ACA—the Affordable Care Act—helped us move in the right direction. We need to build on that. Let us work together to preserve the progress we have made under the Affordable Care Act and to pass additional legislation allowing us to use the collective bargaining power of our consumers so that we can pay lower prices than our friends from Canada because we have a bigger market. We should be paying lower—not twice as much.

President Trump says that he wants to end the opioid epidemic. By getting rid of the Affordable Care Act, he will cause millions of Americans to lose their current health insurance. This is because any rollback in Medicaid coverage, the biggest payer for behavioral healthcare, would result in roughly 1.2 million people with addiction and mental health issues losing access to affordable treatment.

If you don't have insurance protection for behavioral health or addiction, you are going to be much less likely to be able to get access to that needed treatment in order to deal with your addiction.

We know we need a comprehensive approach to deal with the opioid crisis. Yes, we want to stop the dangerous drug fentanyl from coming into this country. Yes, we want to stop the distribution of illegal drugs. But we also

have to deal with the reality of people who have addictions, and they need to be able to get help. Part of that is having access to care and having coverage. The elimination of the Affordable Care Act will move us in the wrong direction.

We need to continue to build on legislation we have worked on together—bipartisan—that provides additional resources to our State and local governments to deal with the opioid crisis. Part of that is the expansion of coverage under the Affordable Care Act.

Scrapping the healthcare law will not only leave Medicaid expansion enrollees high and dry; it will also hurt very vulnerable populations that were unable to buy affordable, comprehensive coverage before the Affordable Care Act, including more than 130 million women, children, and other people with preexisting conditions.

Let's remember that prior to the Affordable Care Act, many Americans—millions of Americans—were denied full coverage because of preexisting condition restrictions. The Maryland Health Benefit Exchange estimates that in Maryland, there are approximately 2.5 million non-elderly Marylanders with preexisting conditions, 320,000 of whom are children. They are at risk with this court decision in Texas.

Undoing current law would also eliminate strong patient protection. Insurers would once again be able to impose annual and lifetime limits, discriminate against women, and charge higher out-of-pocket costs. Young adults would no longer be able to stay on their parents' insurance until they turn 26.

We are talking about tens of millions of Americans who are at risk by this court decision. It is absurd to move back and tell these people they are going to lose the protection they now have under our healthcare system.

It is simple. President Trump must take this opportunity to stand up for the American people and defend the law. That is what the President of the United States should be doing. That is why I joined Senator MANCHIN and many of my Democratic colleagues in a letter urging President Trump to direct the Department of Justice to defend the law of the land. Yes, we should defend the law. It is our responsibility to make sure we protect the people of this Nation.

Let's build on the progress we have made together. We know we need to improve our healthcare system. We know the cost of prescription drugs is too high. We can do something about that. We know the individual marketplace needs improvement. We want to make sure there is affordable, quality insurance for everyone in this country.

Yes, we need to build on the progress we have made to make improvement, but what I urge all of us to do—let's maintain the protections we have today. Let's not go back to the time when being a woman was a preexisting

condition and you couldn't get full coverage. Let's not go back to the days when, if you had a heart ailment and you tried to buy an insurance policy, you were not going to get coverage for what you need. You were going to get those exclusions. That is where we were before we passed the Affordable Care Act.

Let's build on the Affordable Care Act. Let's work together as Democrats and Republicans. Let's defend the progress we have made. I hope the President will join us, but let's take that responsibility and build on that and work together, Democrats and Republicans, to build a stronger system for all.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BOOZMAN). The Senator from Montana.

PUBLIC LANDS BILL

Mr. TESTER. Mr. President, I appreciate that and thank the Senator.

Look, we are at the end of the year. Oftentimes in this body, things happen at the end of the year that we are not too proud of, but we have an opportunity to do something we could be very, very proud of, and that is, pass the public lands bill.

This public lands bill would permanently reauthorize the Land and Water Conservation Fund. This is the most effective conservation tool we have in this country right now. Whether it is establishing a park in one of your cities or towns or setting land aside so we can get better access to our public lands, this is a critically important fund that I hope we can get done as part of this lands package that is moving forward and hopefully will move forward before this Congress ends.

LWCF—the Land and Water Conservation Fund—has invested over half a billion dollars in Montana alone.

There is another component of this bill that I am particularly fond of. It is a bill that will protect Yellowstone Park and the headwaters of the Yellowstone River. It is called the Yellowstone Gateway Protection Act. It is a simple bill. It is a bipartisan bill. It is a bill that will help support the hundreds of small businesses in Paradise Valley. And it is called Paradise Valley for a good reason—because it is paradise, and we need to keep it a paradise by preventing large-scale mining in that region.

I am just asking Congress to act. I am asking my fellow Members, my fellow Senators to add some common sense to the negotiations that are moving on here and pass this lands bill because it is critically important for our kids and our grandkids.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

FUNDING THE GOVERNMENT

Mr. PERDUE. Mr. President, here we are again at the end of a quarter and

the end of a calendar year—not the end of our fiscal year. But here we are again with late-night sessions and people running around in a very unprofessional manner, in my opinion, talking about how to get our government funded.

Let me put this in perspective. This is the end of December. October, November, and December are the first fiscal quarter of fiscal year 2019. We are already one-fourth through this fiscal year, and we are still talking about the completion of authorizations and appropriations to fund the government for this year—not next year, this year.

In 2018, the Senate and, indeed Congress did something we haven't done in a long time. For the first time in 22 years, we did get 75 percent of the Federal Government discretionary spending funded. By the way, that is only about 25 percent of what we spend as a federal government, but that is a conversation for another day.

On July 31 this year and earlier than that—we started the appropriations process earlier this year and had an opportunity in the Appropriations Committee. The subcommittees and the committee did a fabulous job this year. Democrats and Republicans got together behind closed doors, no cameras, and really argued the points and came to compromises on most of the issues, so that by July 31, we had funded 12.25 percent of this year's Federal budget for discretionary spending.

We decided as a body, with the leadership's approval, to stay here in August of this year. Because of that, we went from 12.5 percent to 75 percent of the discretionary budget being appropriated and approved. Indeed, the appropriators did their job this year and would have gotten 100 percent had we not had the disagreement over border security.

Let's be clear. As we sit here at the end of this quarter, the Senate should have already totally funded the Federal Government's discretionary budget by September 30 of this year. That was 3 months ago. Instead, what we are about to do is have a vote in the next day or two on a continuing resolution for the remaining portion of this year's Federal budget, the 25 percent. This will be the 186th continuing resolution this Congress and other Congresses have used to continue to fund the government in a temporary manner.

I have a major problem with that. First of all, it is an admission that Congress can't do its job. The No. 1 responsibility of Congress is to make sure the government is funded. It is one of the reasons Thirteen Colonies got together in the first place to form this country.

This continuing resolution, as bad as it is, should not be used, but even in its current potential existence, it is so bad for a couple of other reasons.

No. 1, it does not address the border security issue on which the President and the Democrats had prior agreements. Even just a few weeks ago, we

had agreements on some numbers for border security that are not being honored right now. It is like you negotiate to a point, and then one side says: Well, we are going to back up on that. Well, we will agree to this. And then they back up again.

The American people are not fooled. This is not an immigration issue any longer. It is clearly a national security issue. The President is right: Over 85 percent of the illegal drugs come into this country illegally across that border. Almost 100 percent of the fentanyl that comes into this country comes across that southern border of the United States illegally.

There is a second reason this is such an insidious thing to do right now with this continuing resolution. It is incredibly disappointing that this continuing resolution does nothing to address disaster relief funding for the people of Florida, Georgia, the Carolinas, Alabama, and California who have been devastated by historic wildfires and hurricanes.

The reason this is so critical right now is that this hits agriculture in these States in a way that is so insidious. The reason is that it hit at exactly the harvest time, when crops are being harvested or are potentially going to be harvested. It devastated entire regions of that portion of the United States.

In December and January, what farmers are typically doing is they have taken the money from the crops, paid back the planting loan from this year to the banks, and now in January will start negotiations for loans for next year for the planting season. What this continuing resolution does is kicks the can down the road until a theoretic date—somebody picked February 8 as an arbitrary date. This devastates farmers and smalltown bankers who are trying to fund next year's crop because they have no way of paying this year's.

I am absolutely convinced that President Trump wants to help these farmers and the people in California who have been devastated by these fires. He has said so repeatedly. In October, on a trip to Georgia and Florida, he saw the devastation from the hurricane and the tornadoes that came with it and all the damage that came from that event, and this is what the President said:

The farmers really got hurt, especially in Georgia. . . . But we're going to get it taken care of.

There is no question that the President of the United States wants to make good on that promise. The problem is, he is dealing with another party that is not being genuine in their effort to find a solution to this funding issue right now.

Democrats in the House want to clearly push this out into the new year for an obvious reason, and that is what we are pushed to tonight, tomorrow, and the next night. I fully believe the Senate should be back here the day after Christmas, frankly, to debate this, to get to a resolution, to some compromise, to get the benefits that

we have identified are necessary to protect this strategic industry of ours called agriculture.

I remember that during my career, we would work half a day on Christmas Eve. I remember that. It hasn't been that long ago. We might take Christmas Day off, and then the next day, most people in America are back to work if they are not taking vacation. But here in the Senate, right now, we won't be back until sometime in January, and we have given ourselves until February 8 to resolve this issue. That is unacceptable. I believe it is unacceptable to the President. It is certainly unacceptable to a person who comes from the real world as an outsider to this process.

Here is another derivative negative to kicking this can down the road: It not only affects the funding we are talking about this year; it also talks about the planning and budgeting for fiscal year 2020, which starts October 1, 2019. From January 8 until July 31, there are 19 weeks or 57 workdays—only 57, the way the Senate operates today. What that means is that the Senate and the House have to appropriate 12 appropriations bills—I believe before July 31—in order to fund the government before September 30 next year. Here is why: The August break is a work break, and people in the Senate and the House go home and work in their States during the month in August.

If that happens this year, then when we come back in September, we will have 12 working days in September. There is no way we are going to have any appropriations bills and the conferences necessary to get that done in September.

It is very clear that this continuing resolution is improper, it should not be done, and it puts the people who have been devastated at risk. And I think that right now, we need to be very serious about one thing, and that is, going forward, we need to find a way to create a politically neutral platform to fund this government on time every year without all this drama.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

SYRIA

Mr. MURPHY. Mr. President, I come to the floor today to speak briefly about the President's announcement today that he is going to be withdrawing 2,000 American troops from Syria.

Let me be clear. I thought this was a bad idea from the start, primarily because our troop presence in Syria is not authorized by Congress. We have had that debate in many forums here, but I believe this Congress has never authorized the U.S. military to engage in hostilities against ISIS. I think it is an extrapolation of the 2001 AUMF. It simply belies common sense. So we should never endorse military activity

overseas, no matter what we think about the merits, if it is not authorized by this body.

But we have also seen over and over again that our relatively meager military presence in the Middle East has never been enough to change the political realities on the ground. The training mission was a disaster. The weapons we gave to the rebels ended up in the hands of the people we were fighting. Ultimately, we never had enough firepower there to be able to meaningfully change the balance of power.

But I will concede that the way the President went about making this decision makes our country an even bigger laughing stock than it already is in the region, and, frankly, that is pretty hard, because everybody is asking questions right now about why we pretended we were going to protect our Kurdish partners in the region if, on the eve of the Turkish offensive against the Kurds, we decide to pull out.

It makes absolutely no sense to pretend for literally months and months that we are going to be the bulwark to protect the Kurds against the Turks and then right on the precipice of the Turkish offensive, we leave. Why would anybody believe us in the future if we give them our word?

Again, I am speaking as someone who didn't support the intervention in the first place, but once you have made that commitment, why not follow through?

Second, why pull the rug out from under our diplomats in the region? It is very clear that neither Jim Jeffrey nor Brett McGurk knew anything about this. In fact, they were just making plans and suggestions weeks ago to increase our military involvement in the region, and now they are having to explain why 2,000 troops are leaving.

If you are going to make a decision like this, make sure the people who are working for you know about it.

Third, why announce this pullout without answering any questions about it or without announcing an alternative strategy? Total darkness from the President and his national security team. An announcement—a statement made on Twitter and no rollout of a plan for how the United States is going to continue to try to keep the peace.

So I agree with many of the criticisms that my Republican friends who have come down to the floor have complained about. This was done in a ham-handed manner that makes us weaker in the world. But forgive me if I have a few questions about why my Republican friends chose to speak up only now with questions about the President's Syria policy.

Where was this outrage when the President of the United States froze millions of dollars in humanitarian funding that could have saved lives on the ground in Syria? If they care so deeply about the future of Syria, why

weren't the Republicans lighting up social media and down on this floor complaining about the fact that the President refused to forward badly needed humanitarian dollars to the region.

Where was the outrage when the President effectively pulled the United States out of the peace process? Remember, the United States, under the Obama administration—whatever you think about Obama's strategy—was in the peace process, was a partner to try to figure out a way forward for Syria. Donald Trump, as has been his strategy internationally, pulled us out of that diplomatic conversation, left the diplomatic playing field to the Iranians, to the Russians, and to the Turks. Where was the outrage when the United States walked away from the negotiating table?

How about the shutdown of the refugee program? Once again, if your focus is on the cataclysm of humanitarian disaster on the ground in Syria, why weren't there all sorts of Members of the Republican Party coming down to the floor and complaining when the President decided to not allow any more Syrian refugees—those fleeing terror and torture—to come to the United States?

What about outrage over the fact that the President proposed cutting the State Department by 40 percent—the State Department that is going to be in the driver's seat when we eventually get to the point of putting Syria back together politically?

Why is there outrage only today? Well, here is the answer, I think, and it worries me. I think there is outrage today because many Members of the Republican Party still cling to this outdated, empirically disproved, fantastic notion that the American military can solve complicated, convoluted political problems in the Middle East.

We have amazing men and women in the Armed Forces, but there are limits to what they can do. And history—especially the history of the last 15 years—tells us that big U.S. military presence in the Middle East often creates as many problems as it solves.

The Republicans who are complaining about this make it sound as if we had a couple divisions in Syria. We didn't. We had 2,000 troops. We had 2,000 troops compared to the hundreds of thousands of troops fighting on behalf of the Syrian regime, the Iranian militias, the Kurdish forces, the rebel forces, the remnants of ISIS's forces. Two thousand troops isn't enough to bluff. It isn't enough to gain a negotiating foothold. It is, frankly, just enough to keep faking it in Syria—doing just enough militarily to say that we are doing something to be able to sleep at night while never actually doing anything sufficient to change the balance of power. That has been the story of both President Obama's and President Trump's policy in Syria. We do just enough to convince the rebels that they should keep going but never enough to actually tackle Bashar al-

Assad. All we have done is keep the civil war running and running and running.

I have really terrible news for you all. Assad is going to win this war. He was always going to win this war because the folks who were on his side had much bigger equities—Russia and Iran—than the folks who were on the side of the rebels. Now, that really stinks, that Bashar al-Assad is going to win, but you have to make policy based on the real world, not on some world that you imagine.

These neoconservatives are still—even after 4,000 Americans were killed in Iraq and 30,000 were wounded, they are still clinging to this notion that a couple thousand U.S. troops are going to be able to solve the problems in Syria. Listen. I get it. Restraint in the face of evil is really hard stuff. But hubris in the face of evil is worse.

So what should we be doing? I won't spend too much time on this, but we should get out of the civil war. We should admit that we have just prolonged it instead of trying to end it. We should keep working with our partners and keep using airpower to keep ISIS on the run. We should rescue Syrians with a generous refugee program, both helping our partners in the Middle East rescue Syrians and bringing them to the United States when they pass our vetting program.

We should stop angering our allies all over the world, but particularly in that region, and get back into the diplomatic game.

Finally, we should stop believing that our only leverage in negotiations in Syria or anywhere else in the world is military force. Put up a promise of massive investment in Syria after a peace deal is signed—likely, frankly, costing a fraction of what we spent in Iraq—and you will discover that you quickly get a seat at that table again.

But it is time that we give up on this notion that these brave, capable American soldiers can fix these complicated, tribal, political, economic, and religious problems in the Middle East. They are brave, and they are capable, but there are things they can do, and there are things they can't do. Every time we put our troops in situations where they are doomed to fail, when we are not prepared to give them the resources to succeed, as was always the case in Syria—spare me this notion that 2,000 American troops were going to be able to fix Syria—every time we put them in situations where they can't win, we undermine American influence, and we undermine the power of our military.

I don't agree with how the President did this. Once you have made that commitment, boy, it doesn't make a lot of sense to pull the rug out from under our partners right as the tough stuff starts to come. I don't agree that he didn't do it in consultation with anybody in this place or anybody on his national security team. I think that his announcement today is ham-handed

and embarrassing, but his instincts aren't entirely wrong on the question of what American troops can and can't do in the Middle East.

I can't believe I am saying this. I think the President may have learned more than many of my friends in the Senate have.

I yield back.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. I ask unanimous consent to be recognized along with my colleague from New Hampshire, Senator SHAHEEN, to enter into a colloquy.

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

The Senator from New Hampshire.

SYRIA

Mrs. SHAHEEN. Mr. President, I am in distress to be on the floor of the Senate today with my colleague, Senator GRAHAM, to express our deep and profound disappointment in President Trump's decision to withdraw U.S. troops from northeast Syria.

We had the opportunity to visit Syria this summer, and we saw what a difference our troops had made there in the fight against ISIS in stabilizing Syria along the northern Turkish border. We saw the response from the Syrians we talked to, both the Kurds and Arabs, as we drove along the road. We saw children and people in the area flashing a victory sign at our troops, and you can see from this map the land that is controlled by the Syrian Democratic Forces, our partners in Syria, so this is the United States and Syrian Democratic Forces.

We have a significant piece of Syria that is now peaceful and stabilized and ISIS has been thrown out of that part of Syria, but the President's decision—which was announced by a tweet—is dangerous, premature, and wholly inconsistent with the facts on the ground in Syria and our own military's advice.

I was listening to Senator RUBIO earlier today talking about what is the plan? What is the plan if we withdraw? Well, I will tell you what the plan is. There is no plan. There is no follow-on to what we are going to do if we withdraw from Syria. What we know is, the work of our combined joint task force, Operation Inherent Resolve, and its partner forces, the Syrian Democratic Forces, is truly remarkable. Again, we can see it. We can see it in this brown section of the country where we have control and there is peace and stability.

Senator GRAHAM and I, when we visited this summer, we went to Manbij, which was controlled by ISIS for 3 years. We walked through the market in Manbij without any body armor, with no guards. We talked to people in that community about what life was like under ISIS.

I talked to one woman who told me she did not go out of her house the entire time ISIS controlled Manbij, for 3 years. She went out of her house once to visit the doctor.

We saw women strolling through the market. We saw children playing. We saw people who were happy to be back in their own communities. They said to us: Please stay. We are worried about what will happen if the Americans leave Manbij.

We also flew over Kobane, right here on the Turkish border. I remember all of the TV coverage of the fight for Kobane and what it looked like.

We could see it was being rebuilt, not with money from the United States but with money from the region. We could see all the building going on. We flew over a center where they were holding some of the most dangerous foreign fighters who had been captured in the fight against ISIS, being held right here in Kobane. Then we went down to Ayn Issa, where we saw, directly, the difference certain forces had made in helping to guard our outposts where our troops were stationed. We saw detention facilities where they were holding, again, fighters from Syria who had fought for ISIS.

We then went over to Al-Hasakah where we saw a prison that was being built to hold the most dangerous of the foreign fighters. Those foreign fighters who—we don't know what will happen if we withdraw our troops. There will be nobody there to support the Syrian Democratic Forces that are holding hundreds of those fighters. What happens? Do they get released?

Do they come back to the United States and to Europe where they can engineer terrorist attacks? Do they go back into the villages and restart another terrorist group? There is no—we don't know what is going to happen there because there is no follow-on plan.

Again, we heard from people everywhere we went how important it was to have American troops stationed in Syria—about 2,000 American troops who have made such a huge difference there. They serve a vital shield against ISIS cells that are still operating in Northeast Syria. While the President claims that the threat of ISIS within Syria has dissipated, the conditions on the ground paint a very different picture. So working with our partners we have achieved gains against ISIS because we have partnered with the Syrian Democratic Forces that are partly Kurd and partly Arab. If those Syrian Democratic Forces lose the support of the United States, we run the risk of a resurgence of ISIS and the possible capitulation or all-out destruction of Kurdish resistance in the region.

What does that mean? That means those ISIS elements are emboldened. They may go underground, but they may reemerge. If we don't remember history, we are destined to repeat it. That is what happened in Iraq. We left al-Qaida, moved to Syria, and they reemerged as an even bigger threat. If we leave, it is not at all clear what is going to happen.

These are hard-fought gains that are critical to ensuring that we win the

fight against terrorism in the Middle East. If we leave, we are going to cede influence in that region to Russia, to Iran, to Assad. In fact, just moments after this decision was announced this morning, we heard the chair of Russia's State Duma, the chair of the Defense Committee, Vladimir Shamanov said: "U.S. plans in Syria had failed," and he added that we, the United States, had decided to make this knight's move in order to avoid a "shameful end."

Make no mistake. They are celebrating in Moscow tonight after the President's announcement, just like they are celebrating in Tehran tonight because of the President's announcement because we are going to leave the field in Syria to those countries that are aggressors against the United States.

I urge President Trump to listen to his military and diplomatic advisers before he goes any further on this shortsighted decision.

It is important to understand that U.S. leadership is essential to completely defeating ISIS and to bringing an end to the violence in Syria. It is also important to reassure our allies that America keeps its word; that when partnering with us, we are here to support you. If we leave now, what does that say to anybody else in the future who may want to partner with the United States on any conflict? It says: You can't count on the United States because we may just pull out on you tomorrow if the President suddenly thinks it is in his interests—not in the interests of the United States but in his interest to withdraw.

This is a reckless decision, and it is undoubtedly going to have consequences for years to come for our military and for our ability to partner with others internationally. The only ones who are going to benefit from this decision are our enemies.

So I am pleased to partner with Senator GRAHAM on a resolution that would express the sense of the Senate that we should not be withdrawing our troops from Syria, that there is too much at stake here for us to take this reckless action and send the wrong message to our partners in the rest of the world.

I am pleased to join my colleague, Senator GRAHAM, and we will do everything we can to urge the President to reverse this reckless decision.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank my colleague from New Hampshire.

Let me ask the question, when we went to Syria and Iraq together, did anyone in the military suggest to you that withdrawing in the foreseeable future was a good idea?

Mrs. SHAHEEN. Absolutely not. In fact, they talked about how pleased they were with the gains we had made, with the partnership, with the SDF, with what they were seeing in terms of stabilizing those communities, people coming back to their homes, rebuild-

ing, and how important it was for us to stay there.

Mr. GRAHAM. Did they also not say that the Syrian Democratic Forces were some of the best allies we had since 9/11?

Mrs. SHAHEEN. Without a doubt, and we saw that firsthand, as you remember. When we saw them guarding our outposts, when we saw them in the communities, when we saw them in the detention facilities, trying to abide by international standards with respect to the foreign fighters they were guarding, it was very impressive.

Mr. GRAHAM. Did anyone suggest to you that the war against ISIS in Syria was over and had been won?

Mrs. SHAHEEN. Not at all. In fact, if you look at this map, you can see this orange color. That is one of the pockets that remains of ISIS. Right here. We have not yet eradicated ISIS, and that does not account for some of the cells that exist throughout this area.

Mr. GRAHAM. Do you remember being told that thousands of ISIS fighters had gone back into the fabric of Syria and that they will reemerge under the right conditions?

Mrs. SHAHEEN. Absolutely, and it is what we saw in Iraq.

Mr. GRAHAM. Well, I just want to state that this has been a long struggle. Most Americans, all things being equal, would like to get all of our troops home.

The Middle East is a very complicated place. I share the President's desire to withdraw our forces when it makes sense. As to the public at large, I want to stress that having been in the military for quite a while, I am very aware of the sacrifices required to go overseas and serve in Iraq, Syria, and Afghanistan. I have come to conclude that a presence over there is still necessary to keep us safe here.

There is a division in this body about whether we should have a wall as part of border security. I think we need a wall as part of border security to secure our southern border. Every Democrat is for border security; we just maybe have a different way of doing it.

What I tried to tell the President, with apparently very little effect, is that you are right to want to secure our border because drugs are coming across, criminals are coming across, and illegal immigration is a problem in the country, and securing the border is part of the solution, but I told him I don't know of any way to defend the Nation from radical Islam by building a wall.

There is no wall we can build between us and the forces of radical Islam that reside in Africa and the Mideast—places like Syria and Iraq. I tried to convey to him that our deployed forces, in partnership with others, is a virtual wall. It is the best hope we have of stopping another 9/11, protecting ourselves and our allies; that a forward deployed presence gives us eyes and ears on the ground, working with others to protect the homeland

and to destroy over time the scourge called radical Islam.

The partnership between us and the Syrian forces, which has been mostly Kurds, has been very successful.

I want to compliment the Senator from New Hampshire for taking the floor and expressing a resolve to maintain a fairly small military footprint in Syria and having connected to that our own national security interests. Maybe the good news—if there is any from today—is that Democrats and Republicans, after 16 or 17 years of looking at this war, are beginning to come together—that troops are necessary sometimes in some places where military action alone will not win the war but is certainly necessary, and that partners are a good thing.

I have come to conclude that when it comes to the war on terrorism, I would rather fight it in the enemy's backyard than ours. I would rather have partners than do it alone. I think the decision today by the President—and I think it was his alone—is disastrous to our own national security and those 2,200 whom Senator SHAHEEN talked about and the great job they have done; that by withdrawing them, we have basically taken a part of the wall down and have now an open-border policy when it comes to ISIS in Syria; that the consequence of this decision makes it far more likely that there will be a corridor from Tehran into Lebanon and to Hezbollah. Our presence there made it more difficult to the Iranians.

Who would be celebrating this decision? Everybody whom we hate likes what is going on. The Russians are up to no good all over the world. Their statement says everything you need to know about this decision. The only reason they are not dancing in Tehran and ISIS camps is they just don't believe in dancing. They are as happy as they will ever be—and they are not into being happy.

To the President, you won the election. You beat me and many others. You have the right to make this decision, but the Congress has the duty to hold you accountable. I wish we had done more of this in a bipartisan fashion when President Obama withdrew from Iraq. If I am nothing, I am consistent. I want this President to be successful. I will help him at every turn.

Generally speaking, I am very pleased with his domestic policy and most of the time his foreign policy. I am shocked by this. I think this is a decision that is against sound military advice. I intend to do our part as a Congress to make sure that history records how this decision was made.

There is a clear record that President Obama's decision to withdraw from Iraq and not leave a residual force proved to be wrong and was against military advice at that time. I have yet to find one person in the administration of the national security team who thinks this decision was a good decision. This was made against sound military advice.

I don't think "General Trump" is going to be any better than "General Obama." I don't think "General Graham" is the answer to this problem. I think those who are in the fight, who have been doing it for 17 years—the national security team the President has—are the experts. Mr. President, if you don't like them or trust them, fire them. What you have done, in my view, is set us back.

The chatter out there is pretty disturbing. I talked with General Mattis today. It is pretty clear that the ripple effect of this is going to be as bad as we think it will be.

To our Kurdish partners, I am sorry. I don't support this decision, and I am hoping it will change.

President Trump, leadership is about adjusting and being able to change your mind when circumstances warrant it. I am not saying we need to be in Syria forever. I am saying now is not the time to leave, and Senator SHAHEEN made a very compelling case about conditions on the ground.

The winners are Russia, Iran, ISIS, and Assad. The losers are the Kurdish people, who came to our aid when almost nobody would. The Arabs who are part of the Syrian Democratic Forces are big-time losers. I can only imagine what it is like tonight in Manbij.

I saw in the eyes of the people that we were partnered with, hope and trust: America is here. America is good. Maybe our suffering is over.

When I look at the flag and the soldiers who wear it on their sleeve, we are not a perfect country, but we are a damn good country. What makes us a good people is that we do the hard things.

We are not the policemen of the world. I understand that, but we are the glue that holds this world together. We have betrayed our Kurdish allies if this decision stands. If it is reversed, I will be the first one to applaud the President because that is true leadership. To those who say that we have defeated ISIS in Syria, that is an inaccurate statement. They have been hurt. They have been degraded.

I give the President all the credit in the world for changing our policies regarding the fight against ISIS, but I will not buy into the narrative that they have been defeated in Syria and Iraq.

I just got back from Afghanistan and haven't slept in 2 days. I really appreciate the chance to visit our troops and talk to our generals, but, sure as hell, ISIS is not defeated in Afghanistan. So to say they are defeated is an overstatement, and it is fake news. It is not true. They have been severely damaged, but they will come back unless we are there to stop it.

I don't intend to outsource our national security to any foreign power. This idea that Turkey is going to be the good guy, that Turkey is going to come into Syria and protect us against the rise of ISIS, is just crazy. What Turkey is going to do is unleash holy

hell on the Kurds. In the eyes of Turkey, they are more of a threat than ISIS.

This decision is a disaster on multiple fronts, and I hope it can be changed. There is a resolution urging the President to make a withdrawal decision based on conditions on the ground after a vigorous interagency process.

Mr. President, I, too, want our troops to come home, but I don't want to tell the American people that we are secure when I don't believe we are. And what is odd is that the troops who are actually doing the fighting believe in this more than anybody. They were proud to be partners with the Kurds. Most of them had been to Iraq and Afghanistan numerous times and were heartbroken when we left Iraq and all of the gains lost. Many of them went back to the fight to take it yet again.

So to the body who loves the troops, that is good. The American people respect our troops. If you truly love them, let them win. They are not asking to come home. They do this voluntarily. They understand why they are there. They understand the benefits of being there.

I know it must be tough as Commander in Chief to write a letter to the family of the fallen. I know it is a hard decision for any President to make to put people in harm's way, but I just want the President to understand that the troops who do this embrace their mission and believe they are defending their Nation and protecting their families. They accept the risk. If we do follow through with this withdrawal, I am afraid Americans all over the world and here at home are going to be more at risk, not less.

I can't imagine winning this war without allies. If this decision stands, I can't imagine being able to sign up many people in the future to serve with us to defeat enemies that threaten us after today. What hurts so much is to have been on the ground—to see it get bad, to see it get better—and to look into the eyes of the people who are willing to fight with us and see the hope they have that we are finally here.

It hurts so much to know that everybody that we talked to in Manbij—many of them—are going to get killed. They did the honorable thing to come to our aid, to help destroy a common enemy of mankind, ISIS. We have been dishonorable. This is a stain on the honor of the United States.

I hope and pray the President will reconsider this. I know that every National Security Advisor understands that the time is not right to withdraw, that the situation described by Senator SHAHEEN as to what will happen is more likely than not.

If he does not decide to reconsider, then it will be incumbent upon the Congress to speak and hold him accountable. If you are concerned about today's decision as a Member of the Senate, please join this resolution. It is

very evenly worded. We all want the troops to come home, but we want to make sure they come home with honor and that the conditions warrant them leaving.

Right now, we are withdrawing in a dishonorable fashion. We are putting our own Nation more at risk. Just as sure as I am on the floor of the Senate, ISIS will reemerge, and all those who helped us are going to be in jeopardy. It will be harder to get allies in the future. As for these 700 prisoners who were captured on the battlefield, we will hear from them again.

Mrs. SHAHEEN. Will my colleague yield for a question?

Mr. GRAHAM. Yes.

Mrs. SHAHEEN. You talk about those 700 prisoners. A number of them are foreign fighters. A number of them are ISIS fighters from Syria and Iraq. What do you think will happen to those detainees who are being held by the Syrian Democratic Forces if we withdraw and there is no support for what they are doing?

Mr. GRAHAM. One of two things will happen. No. 1, the Syrian Democratic Forces had a very ethical view of treating prisoners. I was astonished at the compliance with law and their desire to take their enemies and treat them better than they were treated. The jail was, quite frankly, very impressive.

Here is what is going to happen. They are going to shoot them or they are going to get out. If Assad takes over before Turkey gets there, they will kill everybody in the jail. So what does it matter if a bunch of ISIS fighters get killed? It is about us. Once they are captured, it matters how we treat them. I want them tried. I want them held off the battlefield. We are not executioners. But the most likely scenario is that ISIS reemerges and they break out.

I promise the President this—and I told President Obama the same thing—if you will stick with it and listen to the generals, no matter whether it hurts me or not, we will be with you. We will give you the political support a Republican can give a Democrat to see this thing through. I promise the President one thing: I will help you where I can, but I am going to hold you accountable. I am going to do everything in my power—if you don't change this decision—to make sure you own it, so the next President will learn from your mistakes.

I yield.

The PRESIDING OFFICER. The senior Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I have a number of consent requests and wrapup as we make our way toward the conclusion of the 115th Congress.

SIGNING AUTHORITY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Presiding Officer be authorized to sign duly enrolled bills or joint resolutions during today and tomorrow's session of the Senate.

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

UNITED STATES PORTS OF ENTRY THREAT AND OPERATIONAL REVIEW ACT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 6400 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 (H.R. 6400) to require the Secretary of Homeland Security to conduct a threat and operational analysis of ports of entry, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, 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. CORNYN. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 6400) was passed.

Mr. CORNYN. 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.

SECRET SERVICE OVERTIME PAY EXTENSION ACT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6893, 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. 6893) to amend the Overtime Pay for Protective Services Act of 2016 to extend the Secret Service overtime pay exception through 2020, and for other purposes.

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

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 6893) was ordered to a third reading, was read the third time, and passed.

NO HERO LEFT UNTREATED ACT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Com-

mittee on Veterans' Affairs be discharged from consideration of H.R. 1162 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 (H.R. 1162) to direct the Secretary of Veterans Affairs to carry out a pilot program to provide access to magnetic EEG/EKG-guided resonance therapy to veterans.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 1162) was ordered to a third reading, was read the third time, and passed.

VETERANS BENEFITS AND TRANSITION ACT OF 2018

Mr. CORNYN. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 2248.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2248) entitled "An Act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide certain burial benefits for spouses and children of veterans who are buried in tribal cemeteries, and for other purposes," do pass with an amendment.

Mr. CORNYN. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

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

THE CALENDAR

Mr. CORNYN. Mr. President, I ask unanimous consent that the Small Business Committee be discharged and that the Senate proceed to the immediate consideration of the following bills en bloc: H.R. 6347 and H.R. 6348.

There being no objection, the committee was discharged and the Senate proceeded to consider the bills en bloc.

Mr. CORNYN. I ask unanimous consent that the bills, en bloc, be considered read a third time.

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

A bill (H.R. 6347) to adjust the real estate appraisal thresholds under the 7(a) program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes, was ordered to a third reading and was read the third time.

A bill (H.R. 6348) to adjust the real estate appraisal thresholds under the section 504 program to bring them into line with the thresholds used by the Federal banking regulators, and for other purposes, was ordered to a third reading and was read the third time.

Mr. CORNYN. I know of no further debate.

The PRESIDING OFFICER. The bills having been read the third time, the question is, Shall the bills pass en bloc?

The bills (H.R. 6347 and H.R. 6348) were passed en bloc.

Mr. CORNYN. I ask unanimous consent that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

FULL MILITARY HONORS ACT OF 2018

Mr. CORNYN. I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 3523 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. 3523) to amend title 10, United States Code, to require a full military honors ceremony for certain deceased veterans, and for other purposes.

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

Mr. CORNYN. 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. 3523) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3523

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 "Full Military Honors Act of 2018".

SEC. 2. FULL MILITARY HONORS CEREMONY FOR CERTAIN VETERANS.

Section 1491(b) of title 10, United States Code, is amended by adding at the end the following:

"(3) The Secretary concerned shall provide full military honors (as determined by the Secretary concerned) for the funeral of a veteran who—

"(A) is first interred or first inurned in Arlington National Cemetery on or after the date of the enactment of the Full Military Honors Act of 2018;

"(B) was awarded the medal of honor or the prisoner-of-war medal; and

"(C) is not entitled to full military honors by the grade of that veteran."

WALNUT GROVE LAND EXCHANGE ACT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Agriculture be discharged from further consideration of H.R. 5923 and that 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 (H.R. 5923) to direct the Secretary of Agriculture to exchange certain public lands in Ouachita National Forest, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. CORNYN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 5923) was ordered to a third reading, was read the third time, and passed.

M.S. "MITCH" MITCHELL FLOODWAY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 3383 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 (H.R. 3383) to designate the flood control project in Sedgwick County, Kansas, commonly known as the Wichita-Valley Center Flood Control Project, as the "M.S. 'Mitch' Mitchell Floodway."

There being no objection, the Committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 3383) was ordered to a third reading, was read the third time, and passed.

HOUSE BILLS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following bills received from the House: H.R. 1850, H.R. 5205, H.R. 5475, H.R. 6059, H.R. 6167, H.R. 6335, H.R. 6930, H.R. 7230, and H.R. 7243.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. CORNYN. Mr. President, I ask unanimous consent that the bills be considered read a third time and passed and that the motions to reconsider be considered made and laid upon the table all en bloc.

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

DONNA SAUERS BESKO POST OFFICE

The bill (H.R. 1850) to designate the facility of the United States Postal

Service located at 907 Fourth Avenue in Lake Odessa, Michigan, as the "Donna Sauers Besko Post Office," was ordered to a third reading, was read the third time, and passed.

SERGEANT KENNETH ERIC BOSTIC POST OFFICE

The bill (H.R. 5205) to designate the facility of the United States Postal Service located at 701 6th Street in Hawthorne, Nevada, as the "Sergeant Kenneth Eric Bostic Post Office," was ordered to a third reading, was read the third time, and passed.

SO2 NAVY SEAL ADAM OLIN SMITH POST OFFICE

The bill (H.R. 5475) to designate the facility of the United States Postal Service located at 108 North Macon Street in Bevier, Missouri, as the "SO2 Navy SEAL Adam Olin Smith Post Office," was ordered to a third reading, was read the third time, and passed.

THOMAS P. COSTIN, JR. POST OFFICE BUILDING

The bill (H.R. 6059) to designate the facility of the United States Postal Service located at 51 Willow Street in Lynn, Massachusetts, as the "Thomas P. Costin, Jr. Post Office Building," was ordered to a third reading, was read the third time, and passed.

JAMES WILLIAM ROBINSON JR. MEMORIAL POST OFFICE BUILDING

The bill (H.R. 6167) to designate the facility of the United States Postal Service located at 5707 South Cass Avenue in Westmont, Illinois, as the "James William Robinson Jr. Memorial Post Office Building," was ordered to a third reading, was read the third time, and passed.

OAKVILLE VETERANS MEMORIAL POST OFFICE

The bill (H.R. 6335) to designate the facility of the United States Postal Service located at 322 Main Street in Oakville, Connecticut, as the "Oakville Veterans Memorial Post Office," was ordered to a third reading, was read the third time, and passed.

ROSS BOUYEA POST OFFICE BUILDING

The bill (H.R. 6930) to designate the facility of the United States Postal Service located at 10 Miller Street in Plattsburgh, New York, as the "Ross Bouyea Post Office Building," was ordered to a third reading, was read the third time, and passed.

POSTMASTER FRAZIER B. BAKER POST OFFICE

The bill (H.R. 7230) to designate the facility of the United States Postal

Service located at 226 West Main Street in Lake City, South Carolina, as the "Postmaster Frazier B. Baker Post Office," was ordered to a third reading, was read the third time, and passed.

TO AMEND PUBLIC LAW 115-217 TO CHANGE THE ADDRESS OF THE POSTAL FACILITY DESIGNATED BY SUCH PUBLIC LAW IN HONOR OF SERGEANT FIRST CLASS ALWYN CRENDALL CASHE, AND FOR OTHER PURPOSES

The bill (H.R. 7243) to amend Public Law 115-217 to change the address of the postal facility designated by such Public Law in honor of Sergeant First Class Alwyn Crendall Cashe, and for other purposes, was ordered to a third reading, was read the third time, and passed.

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES CADET NURSE CORPS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 737, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 737) recognizing the 75th anniversary of the establishment of the United States Cadet Nurse Corps and expressing the appreciation of the Senate for the contribution of the members of the United States Cadet Nurse Corps during World War II.

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

Mr. CORNYN. I further ask that the resolution be agreed to, that the preamble be agreed to, and that the motions to reconsider be made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 737) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

NATHANIEL P. REED HOBE SOUND NATIONAL WILDLIFE REFUGE

Mr. CORNYN. Mr. President, I now ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 3456 and that 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 (S. 3456) to redesignate Hobe Sound National Wildlife Refuge as the Nathaniel P.

Reed Hobe Sound National Wildlife Refuge, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. CORNYN. 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. 3456) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3456

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

SECTION 1. REDESIGNATION OF THE HOBE SOUND NATIONAL WILDLIFE REFUGE.

(a) REDESIGNATION.—The Hobe Sound National Wildlife Refuge, located in the State of Florida, is redesignated as the "Nathaniel P. Reed Hobe Sound National Wildlife Refuge".

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, paper, or other document of the United States to the Hobe Sound National Wildlife Refuge is deemed to refer to the Nathaniel P. Reed Hobe Sound National Wildlife Refuge.

FUNDING THE GOVERNMENT

Mr. LEAHY. Mr. President, today we will pass a third continuing resolution, CR, to keep the government operating through February 8. I support this CR because a government shutdown is never good for our country—in fact, it is a terrible idea—but this whole process has been a missed opportunity.

For six of the seven appropriations bills covered under today's CR, we have a clear path forward. These bills—Agriculture, Commerce-Justice-Science, Interior, Financial Services, Transportation-Housing and Urban Development, and the State-Foreign Operations bill—could be done by close of business today if there was the will. They are largely finished, are the product of bipartisan compromise, and provide the funds necessary to address critical needs of the American people and to protect U.S. national security. Unfortunately, the President held them hostage for \$5 billion to try to wall off our southern border, a wall he promised American taxpayers that Mexico would pay for.

What will be lost because of the President's intransigence?

These six bills provide much-needed funding to help combat our Nation's opioid epidemic and critical investments in infrastructure to help rebuild our Nation's crumbling roads, bridges, and highways. They provide resources to protect the environment and help ensure that the water we drink and the air we breathe is safe and clean for this generation and the next.

They provide important assistance for our Nation's farmers and rural communities who have been particularly

hurt this year by the President's trade policies, and they support key allies and national security programs that are what enable the United States to be a global leader, a role that is being increasingly challenged by China and Russia.

Unfortunately, this much-needed assistance is put on hold because the President held out for \$5 billion for his wall, at the exorbitant cost of \$31 million per mile, straight from the American taxpayer's pocket.

We also should be passing a disaster package to help families and communities devastated by Hurricanes Maria, Florence, and Michael, the Hawaii volcanoes, California wildfires, and Alaska earthquakes. We should remember that no one in this Chamber is immune from disaster. Seven years ago, Tropical Storm Irene devastated my home State of Vermont. Marcelle and I observed the wreckage from that storm in Vermont—large parts of communities washed away, homes and farms demolished, local landmarks and bridges destroyed. Republicans and Democrats in the Senate, from across the country, stood by Vermont's side then to help us rebuild because that is who we are as Americans.

This year, the images of flattened homes, buckled pavement, and raging flames have been matched in horror only by the devastated lives they have left in their wake. Florida, North Carolina, South Carolina, Alabama, Georgia, California, Hawaii, and Alaska, they all need our help, and it is indefensible that, because of the President's obsession with one issue, his wall, we are punting this disaster funding until the new year. These communities need to know their government stands behind them in times of crisis.

Why didn't we get this done? Why can't we pass the six bills that are finished and a disaster package to help those communities in need before we adjourn? There is one clear answer to that question: President Donald J. Trump. He has held all of our good work, by Democrats and Republicans, hostage over \$5 billion for his misguided wall along the southern border. It is a travesty.

My opposition to his border wall, a wall he over and over pledged to the American people that Mexico would pay for, has been clear from the start. The United States is a country founded by immigrants, and walling ourselves off from our neighbors to the south is not only impossible and an expensive waste of American taxpayer dollars, it is immoral, ineffective, and an affront to everything this country stands for. Everyone agrees that we need to keep our border safe and secure, but there are better and smarter ways to accomplish that than building a 30-foot high concrete barrier between us and Mexico.

Let's not be fooled by recent White House rhetoric that President Trump was backing down from his demands on the wall. The price demanded by the

White House for letting the rest of these bills advance without \$5 billion for the wall was a \$1 billion slush fund to fuel the President's extreme, anti-immigrant agenda. Why should we give a blank check to a President who has shown, time and time again, that he is more interested in vilifying immigrants than he is in solving our immigration problems? His immigration policies have already caused immeasurable human suffering along our southern border and tarnished our reputation around the world. Providing his administration with an additional \$1 billion slush fund to enact this agenda is a nonstarter.

The fact is the President's wall does not have the votes to get through the House or Senate, and he is in no position to practice horse-trading of one untenable, unpopular, wasteful policy for another, nor will Congress stand by and watch the President take funds from our men and women in the military or their families in order to pay for the wall. This fight will continue into the next Congress, but I do not anticipate those basic facts will change. It is long past time for President Trump to recognize that we live in a democracy. We have three coequal branches of government. Governing effectively is not about making threats and false promises. Campaign slogans are no substitute for practical, affordable solutions.

I want to thank Chairman SHELBY for his steadfast partnership this year as we tried to get the appropriations process back on track. I know that he shares my disappointment that we were not able to complete our work, but I am proud of what we have accomplished this year. By working together across party lines, we moved all 12 bills out of the committee on strong bipartisan votes. We advanced 9 of the 12 bills through the Senate, also with strong bipartisan votes, and we were able to enact 5 of the 12 appropriations bills on time for the first time in decades.

I also thank Chairman SHELBY's staff and my staff for their hard work, expertise, and their commitment to accomplishing our goals this year.

I ask unanimous consent to print a list of the bipartisan committee staff in the RECORD. I look forward to working with him and his staff, and our colleagues in the House, in the next Congress to finish our work.

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

SENATE COMMITTEE ON APPROPRIATIONS
STAFF

Charles Kieffer, Chanda Betourney, Jessica Berry, Jay Tilton, Jean Kwon, Shannon Hines, Jonathan Graffeo, David Adkins, Dianne Nellor, Adrienne Wojciechowski, Teri Curtin, Bob Ross, Jean Toal Eisen, Jennifer Eskra, Blaise Sheridan, Jordan Stone, Erik Raven, David Gillies, Brigid Kolish, John Lucio, Andy Vanlandingham, Doug Clapp, Chris Hanson, Samantha Nelson, Ellen Murray, Diana Hamilton, Reeves Hart, Scott Nance, Chip Walgren, Drenan Dudley,

Rachael Taylor, Ryan Hunt, Melissa Zimmerman, Alex Keenan, Mark Laisch, Lisa Bernhardt, Kelly Brown, Katie Finley, Chad Schulken, Jason McMahon, Tim Rieser, Alex Carnes, Kali Farahmand, Dabney Hegg, Christina Monroe, Nathan Robinson, Robert Putnam, Christy Greene, Blair Taylor, Jenny Winkler, Hong Nguyen, Clint Trocchio, George Castro, Mary Collins Atkinson, Lucas Agnew, Valerie Hutton, Elmer Barnes, Penny Miles, Karin Thames, Carlisle Clarke, Patrick Carroll, Elizabeth Dent, Carlos Elias, Dayne Cutrell, Amber Beck, Allen Cutler, Matt Womble, Rachel Littleton, Brian Potts, Mike Clementi, Colleen Gaydos, Katy Hagan, Chris Hall, Hanz Heinrichs, Kate Kaufer, Jacqui Russell, Will Todd, Tyler Owens, Jen Armstrong, Meyer Seligman, Molly Marsh, Andrew Newton, Lauren Comeau, Brian Daner, Courtney Bradford, Adam Telle, Peter Babb, Chris Cook, LaShawnda Smith, Marisa Rhode, Christian Lee, Leif Ponnesebeck, Emy Lesofski, Nona McCoy, Laura Friedel, Michael Gentile, Ashley Palmer, Jeff Reczek, Sarah Boliek, Patrick Magnuson, Jennifer Bastin, Joanne Hoff, Paul Grove, Jason Wheelock, Adam Yezerski, Clare Doherty, Gus Maples, Rajat Mathur, Jacob Press, and Jason Woolwine.

Mr. CORNYN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Cantwell	Heinrich	Schatz
Carper	Heitkamp	Scott
Cooms	King	Smith
Cornyn	Lankford	Tester
Gardner	Manchin	Warner
Graham	McConnell	Wyden
Harris	Murkowski	
Hassan	Rounds	

The PRESIDING OFFICER (Mr. SCOTT). A quorum is not now present.

Mr. MCCONNELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of all absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.
The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. CORKER), the Senator from Idaho (Mr. CRAPO), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. ISAKSON), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

The PRESIDING OFFICER (Mr. FLAKE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 21, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—71

Baldwin	Booker	Cardin
Barrasso	Boozman	Carper
Bennet	Brown	Casey
Blumenthal	Cantwell	Cassidy
Blunt	Capito	Coons

Cornyn	Johnson	Reed
Cortez Masto	Jones	Risch
Donnelly	Kaine	Roberts
Duckworth	King	Rounds
Durbin	Klobuchar	Schumer
Ernst	Kyl	Scott
Feinstein	Leahy	Shaheen
Fischer	Manchin	Shelby
Flake	Markey	Smith
Gardner	McConnell	Stabenow
Grassley	Menendez	Sullivan
Harris	Merkley	Tester
Hassan	Murkowski	Thune
Hatch	Murphy	Udall
Heinrich	Murray	Van Hollen
Heitkamp	Nelson	Warner
Hirono	Perdue	Warren
Hoeven	Peters	Wyden
Hyde-Smith	Portman	

NAYS—21

Alexander	Graham	Sanders
Collins	Kennedy	Sasse
Cotton	Lankford	Schatz
Cruz	Lee	Toomey
Daines	Moran	Whitehouse
Enzi	Paul	Wicker
Gillibrand	Rubio	Young

NOT VOTING—8

Burr	Heller	McCaskill
Corker	Inhofe	Tillis
Crapo	Isakson	

The motion was agreed to.

CHILD PROTECTION IMPROVEMENTS ACT OF 2017—Continued

VOTE ON MOTION TO CONCUR WITH AN AMENDMENT NO. 4163

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending motion to refer be withdrawn, amendment No. 4164 be withdrawn, and the Senate vote on the motion to concur with further amendment with no intervening action or debate.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the motion to concur with further amendment.

The motion is agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. For the information of all Senators, there are no more rollcall votes tonight. We will still be in session tomorrow. We have to see what the House does with what we just sent them.

The PRESIDING OFFICER. The Senator from Alaska.

PUBLIC LANDS PACKAGE

Ms. MURKOWSKI. Mr. President, on behalf of Chairman HATCH, I ask unanimous consent that the Senate proceed to the immediate consideration of the lands package bill. I further 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 (Mr. ROUNDS). Is there objection?

The Senator from Utah.

Mr. LEE. Mr. President, in reserving the right to object, we have a bill here that we received at 10 o'clock this morning, and it is 680-pages long. I have spent many hours reviewing it. This is a bill that came out of the committee on which I serve. I have been

trying for many weeks, through the chairman of that committee and her staff, to get language or to at least get an outline of this. We were not able to get that until today at 10 a.m. Even after we got that, we asked for at least an outline of this bill or for a summary of the bill text from the committee staff, from the chairman's staff. They didn't respond to us. They wouldn't give it to us, just as they haven't for weeks. We got this—the closest thing to a summary—from a lobbyist. We had to wait to get it from a lobbyist.

This is of great impact to my State. This bill creates 1.3 million acres of wilderness, about half of which is in my State. This bill permanently reauthorizes the Land and Water Conservation Fund, which is an entity that has been used to acquire more Federal land. Now, in coming from a State where two-thirds of the land is owned by the Federal Government—where we can't do anything without leave from the Federal Government—this hurts. In coming from a State where we have had about 2 million acres of Federal land declared as monuments through Presidential proclamations, this hurts.

I have made what I consider to be a very reasonable offer, and I ask that it be accepted. It involves two words. I want the inclusion of two words in this bill—two words. Add the words “or Utah” to some language in the Antiquities Act.

I have an amendment that I will counteroffer. I will accept this bill and agree to its passage if these two words are added to the Antiquities Act, the words “or Utah.” I ask that my colleagues accept this.

The PRESIDING OFFICER. Will the Senator so modify the request?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I think it is important to recognize that while the text, in fairness to my friend from Utah, was just laid down this morning, these are bills, these are measures, these are matters that have not only been before our committee but have been before the subcommittee on which the Senator is the chairman, and he has had an opportunity to have heard many of those public lands bills.

This was a very highly negotiated process by the four corners—not only by Senator CANTWELL and me on this side but by our colleagues on the House side—to see what could be put together by way of a package, in terms of the contours of that package.

Colleagues will remember that around this body, unfortunately, when it comes to public lands matters, many of these are very, very parochial in nature. Whether it is a conveyance that allows for a water utility to be able to proceed or whether it is a conveyance that will allow for a school to have a facility there, it is pretty parochial. These don't come to the floor for debate and passage.

Typically and traditionally, what happens is—and it might not be a perfect process—we bundle them up at the

end of the year. What we have done is to have provided—and not only to members of the committee—the bills that we have had an opportunity to have heard. We have outlined what that universe is. In fairness to my colleague and his comment, it was not until the very end that we knew exactly what was going to fall in based on the negotiations with our House colleagues and with our colleagues on the other side of the aisle.

Yet what I would offer up to Members is that this has been an extraordinarily collaborative process in terms of those priorities that we see represented within this bill. Just on our side of the aisle alone, there are some 43 Members who either have bills that they have authored or are the cosponsors of with regard to matters that are important to their States and matters that are, perhaps, more globally important, like the LWCF, and I understand the Senator's position on the LWCF.

We also recognize that there are a great number of Members on the Republican side and on the Democratic side who are very supportive of some form of reauthorization of the LWCF. We have a sportsman package in here that many, many of us have been working on. In fact, this is the fourth Congress now in which we have tried to advance these priorities for many of the sports men and women in the country. So we have attempted to work through some of the issues that my colleague from Utah has raised.

We have offered to withdraw very significant legislation that our Presiding Officer himself has offered. That is not something that I really willingly wanted to do, but in an effort to try to get a broader lands package that would recognize the needs of so many, we made some significant offers.

Now, my colleague has asked for two simple words. I happen to believe, as one who comes from a State where we have said no more to the Antiquities Act without some limitations, I understand the concerns, and I understand the effort that he has made repeatedly. I also understand that the politics on this side of the aisle and in the other body are such that it was not an acceptable offer or an acceptable amendment.

So we are where we are now, and I come before you to make the offer to allow us an opportunity to vote on this lands package, to move it over to the House, and to finish this off. I understand that we do not have that consent. What we have come to this evening is a recognition that there is a desire amongst Members in this body to see this package through. The leader has committed and the minority leader has committed that when we return in January, this will be—if not the first order of business—a matter that will be before this body within the first couple of weeks. We will turn to it, and it will be a package that we will not have begun all over, but it will be something that Members can look to tonight. This

will be an opportunity to study every single page that you want because we will have an opportunity to vote on that with a thumbs up or a thumbs down in early January when we return.

Again, this is something that I wish we had been able to resolve. In fairness, I wish that we would have been able to have provided for there to have been a greater opportunity for Members to have reviewed this before these final hours. In fairness, this is just Wednesday night. We will now continue until after the new year. We probably could have had another couple of days to have worked on it, but that didn't work in our favor, and I regret that.

I thank those who have worked doggedly on both sides to try to come to an agreement so that we could resolve this finally and fully. So many of these issues are so important to people back in their counties and their municipalities and their boroughs and their States.

We are going to put it on hold for yet another month, but we will be back at the first of the year, and we will continue to address these issues that are so important when it comes to our public lands, our waters, our conservation priorities, as well as the priorities of our sports men and women.

The PRESIDING OFFICER. Does the Senator modify her request?

Ms. MURKOWSKI. I believe there is an objection to the request.

The PRESIDING OFFICER. Is there an objection to the original request from the Senator from Alaska?

Mr. LEE. Yes, I object.

The PRESIDING OFFICER. The Senator from Utah's objection is heard.

The Senator from Utah.

Mr. LEE. Mr. President, I find it unfortunate that the addition of two words is somehow unacceptable to the Members of this body—two words. They are two words, by the way, that would put Utah in the same category as Alaska and Wyoming. What do those States have in common? They both have repeatedly been victims of the Antiquities Act.

You see, in every single State from Colorado to the west of Colorado, the Federal Government owns at least 15 percent of the land. In many of those States, it is much more than 15 percent of the land. In my State, it is two-thirds of the land—about 67 percent. What that means is that we have to get permission from the Federal Government to do just about everything.

What that also means is that our schools are underfunded—everything from fire, search, rescue, education, local governance. All of these budgets are underfunded as a result of the fact that most of the land is owned by the Federal Government. We can't tax that land. We receive pennies on the dollar for a program called payment in lieu of taxes. It is pennies on the dollar because most of our land is not ours. Most of our land cannot be developed privately. Most of our land cannot be taxed by the States and localities,

which makes it harder for us to educate our children, for us to secure our streets, for us to put out fires—fires, by the way, that become far more severe because of extensive Federal land-ownership, which is plainly excessive, which is plainly unfair, which kills people and results in devastating losses not only to property but also to the health of the environment.

Bad Federal land management policy is at the root of this. Do you know what is interesting? People like to talk a lot about these wildfires. A lot of them occur in the West. Why? Well, there is a lot of Federal public land in the West. Yes, there are parts of the country where they have forests where these things don't happen, and when they do, they are put out much faster in things called private forests. Privately owned forests and forests owned by many States are much less prone to wildfires, and when they do occur, they put them out more quickly. Why? Because they are not hobbled under a mountain of regulations that makes it almost impossible for us to prevent them and then from putting them out quickly. This is devastating to our States. It is a burden on our States and on our State in particular.

Many of you, if you live east of the Rocky Mountains, come from lands where Federal public lands are almost unheard of, where they are rare, where you have private land left and right. A lot of those same States used to be mostly Federal. A State like Illinois used to be overwhelmingly Federal. Many, if not most, of the States have added, since the Louisiana Purchase, language in their enabling legislation, anticipating that, in time, Federal public land within a State's boundaries would be sold and that in the case of my State and that of many other States, a percentage of the proceeds from the sale of that land would be put into a trust fund for the benefit of the States' public education systems.

Those promises were honored in the Dakotas and in States like Indiana and Illinois. They were honored as we expanded westward. For some reason, when we got to the Rocky Mountains, they stopped honoring them. There are a lot of reasons for this. Some of it has to do with what we were occupied with doing as a country at the time. Some of it has to do with the fact that our land is what was regarded as rugged and perhaps undesirable for a time. But the understanding was still there, just as it was the understanding in the Dakotas and in States like Indiana and Illinois.

The effects are still there. We are still impoverished. Our ability to expand economically is impaired, and the health of our environment is significantly degraded as a result of this excessive, unnecessary Federal land-ownership.

Now, make no mistake—I am not talking here about national parks. People like to caricature those who complain about excessive Federal land-

ownership and suggest—as if we are going to put oil drilling rigs underneath Delicate Arch and other national treasures. That is not what we are talking about at all. I am talking about garden variety, Federal public land—land that is excessively restricted and that is environmentally degraded as a result of poor Federal land management policies. Why? Well, because these decisions are made by Federal land managers who live and work and make decisions many hundreds and in many cases many thousands of miles from those most affected by those decisions.

How, then, does this relate to the Antiquities Act? Well, a State like mine that has a lot of Federal public land, like Alaska and Wyoming do, is particularly, uniquely vulnerable to predatory practices under the Antiquities Act, allowing the President of the United States, under a law passed over a century ago, to utilize his discretion to set aside land as a national monument. It is already Federal; this is putting it into a new classification—a classification subject to even more restrictions, eligible for even less development, less human activity, less access for recreational or agricultural or religious or cultural purposes. When you put it in that category, it makes it even more difficult for those people surrounding it, those people living in and around the Federal public lands in question.

So Utah, like Wyoming and Alaska, has had a whole lot of Presidents declare a whole lot of Federal public land, national monument land.

Now, fortunately for the States of Alaska and Wyoming, they have had congressional delegations that in the past have said, no more, have demanded relief, and have said that they have had enough. In the case of a State like mine that has had a couple of million acres, roughly, of Federal public land declared monument by a Presidential proclamation, this is important. If it is good enough for Alaska, if it is good enough for Wyoming, why not extend the same courtesy to the State of Utah?

Why, when a bill is 680 pages long—which I received at 10 a.m. today, on what may well be the last or penultimate day of this legislative session of this Congress—why are we receiving this just now, especially in the Senate during a term of Congress when it was originally believed that we might be adjourning by December 6 or 7 or 13 or 14?

Here it is on December 19—my daughter's 18th birthday, by the way; happy birthday, Eliza—December 19, and we are just getting this bill for the first time today. What does that mean?

If we had adjourned when we were originally thinking we might adjourn, would this never have happened? It has been suggested to us by some Members and some staff that had we adjourned earlier, this would have just been released perhaps on the last day of the session.

I can't get into anyone else's head. I can't peer into anyone else's subjective intentions. But this makes me kind of nervous, the fact that, yes, I sit on the committee from whence this bill originated, and, yes, I chair the Public Lands Subcommittee, yet there are a whole lot of these that the chairman or the ranking member know darn well that I oppose, that I voted against in committee, and there are other provisions that they know I have had longstanding concerns with. I wonder if maybe, just maybe, that is part of the reason they wouldn't tell me what was in it.

I understand it is difficult negotiating a big piece of legislation. I sympathize greatly with that. I am not suggesting that short of receiving the entire 680-page document exactly as it has been submitted, I would irrevocably have bound myself to voting against it. I am not suggesting that at all. It would have been nice to have a roadmap, to have some clue as to what might have been in there. And I know from conversations I have since had with Members today that they have known for weeks, if not months, that they were putting permanent LWCF reauthorization in this bill.

I don't believe it was a coincidence that I wasn't informed of this. I don't believe it was a coincidence that even after this bill was released at 10 a.m. today, the staff of the committee refused even to give me an outline—an outline—of what was in the bill, even after they had filed it. We had to get this from a lobbyist.

This is wrong. It is wrong that the State of Utah is treated the way it is. It is wrong that you wouldn't give us that language. It is wrong that you won't treat us the same way Alaska and Wyoming are treated.

This is wrong. We can do better. I implore my colleagues to make this simple change. Two words. Two words. Add the words "for Utah" to this bill, and I will wholeheartedly support it. If not, I will continue to oppose it.

Thank you.

THE PRESIDING OFFICER. The Senator from Colorado.

MR. GARDNER. Mr. President, as my colleague from Utah knows, we offered the chance to vote on those two words tonight. The two words that he is asking for tonight we offered a chance to vote on.

MR. LEE. Will the Senator yield?

MR. GARDNER. Let me talk about this because I am pretty doggone upset because the people of Colorado tonight—who are worried about whether they can protect themselves from fire—lost the Wildfire Technology Act in this bill. That was in this bill—a bill that our committee heard, that our committee voted on, that it voted on with bipartisan support, probably unanimously. That was in this bill to protect our communities from wildfire and to protect our firefighters from injury—in this bill.

The other thing in this bill is Minturn, CO, which has a water system

over a wilderness area and which for years has been trying to fix it. They can't because it is in a wilderness area. So we have to have an act of Congress to allow the city to fix their water system. Rejected tonight because we weren't allowed to vote on it tonight.

Mr. LEE. Do the people of Colorado care that you were—

Mr. GARDNER. And you bet the permanent Land and Water Conservation Fund is in here tonight because, guess what, it has the majority support of this body. If we had a vote on it tonight, it would have passed. Republicans and Democrats would have voted yes. It would have passed.

Not only that, we have boundary adjustments in here because people died, and they wanted to give it to the national monument. That is not controversial. Somebody wanted to do the right thing, and doggone it, we can't even vote on it here.

I give compliments to the chairman of the Energy and Natural Resources Committee who struck a deal. Yes, it was yesterday. We got the bill as fast as we could. And so many of these doggone pieces of legislation we have already heard. We had committee hearings on them, and we voted them out unanimously. Bipartisan support. We offered deal after deal after deal to try to get a deal arranged and made so that we could have a vote tonight.

Go tell the people of Minturn, CO, that they don't have a water system that they can fix because Congress has decided we are not going to allow that to come to a vote. Sportsmen back home—tell them we are not going to have a sportsmen's package because we decided not to bring a bipartisan bill to the floor for a vote.

When we come back to this body next year, we have an agreement—I believe that is correct; and I will defer to the chairman of the Energy and Natural Resources Committee—that this will be one of the first actions this Chamber addresses. When that happens, there will be a chance to file cloture, there will be a chance for open debate, and we will have that vote. We will have it next year. There will be different leadership in the Senate, so different negotiations will have to take place, but I have no doubt that we will get this done.

It is frustrating to me that some of these bills have languished for year after year after year after year that received unanimous support out of committee.

I remember coming to this floor a year ago offering a unanimous consent agreement. It was objected to because somebody didn't get what they wanted, somebody else didn't get what they wanted, and somebody else didn't get what they wanted, so everything was objected to. It created a whole domino effect, so they said just wait for the lands package.

So here we are waiting for the lands package. We had a chance to do it. And we tried and tried and tried to make

offer after offer to get something agreed to.

I have great respect for my colleague from Utah. We are a public lands State too. Yes, our agencies need to make better decisions about how they conserve that public land. The people of Colorado have great support for the Land and Water Conservation Fund. Great support. They would like to see it made permanent. I would like to see it made permanent. My guess is, next year, it will be made permanent.

Why can't we have a vote tonight? Why can't we have people who don't like it vote no and people who do like it vote yes? There is plenty of opportunity to do that tonight.

The people of Colorado expect this place to get its work done. The bills we have had have been through, negotiated in the House and Senate, many out of the committee with bipartisan support, if not unanimous. I guess the folks in Minturn will just have to wait one more Congress to get their water system fixed because this body couldn't agree to allow a vote. We wonder why people are sick of this place. It is because of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, all I am asking is for the language that I have asked for—two words, the words “for Utah”—to be added to this legislation. I am asking to be treated on equal footing as the language proposed by the Senator from Colorado, the Senator from Alaska, the Senator from Washington, the Senator from Montana, and others—equal footing.

We have equal representation in the Senate. It is the one type of constitutional amendment that is preemptively unconstitutional. You can't modify the equal representation of the Senate. That is what makes this place unique. Each State is represented equally, and I will defend my State, the State of Utah, to my dying breath. As long as I am here breathing and holding an election certificate, I will defend it.

My distinguished friend and colleague, for whom I have great affection and respect, has just pointed out that the people of Colorado might be disappointed about this water measure that was in there or this or that other provision for Colorado. Do they have reason to be concerned? You bet. Do those people in Colorado have objection to the idea that Utah might be treated equally with Alaska or Wyoming? I think not. I think most people in America would look at a State that has had a couple of million acres of monument declared and that just wants to be treated the same way as Alaska and Wyoming and say that is not unreasonable.

This is a sovereign State, one that has been mistreated by Federal land managers. We don't want to continue doing that. This is a generous offer. It is a reasonable offer.

As to the suggestion that because it was offered that this receive a separate

vote—and it is really not equivalent at all. What he is saying is, split this out; everything else sinks or swims together. All of theirs pass, and ours stands alone. If we are going to consolidate this many bills at once—and he is right: Some of these passed out unanimously, and a bunch of them didn't. I voted against a number of them. Some of them are new. Some are old but have been modified. One provision involving my own State involved 450,000 or 500,000 acres of wilderness and has, since it moved through the committee, been modified to include an additional 200,000 acres of wilderness. That is from my State, and I sit on the committee, and I chair the subcommittee that is supposed to review these things, and this is the first I have seen of them.

So, yes, I say to my distinguished friend and colleague, for whom I also have great respect and admiration and affection, yes, there are a lot of parochial matters that are addressed in these public lands bills, and appropriately so. What I am asking is for my State to be treated like your State. That is all I am asking. It is not unreasonable. It is not unfair.

So if you are going to have 640 pages' worth of legislation, including some legislation that has some significant ramifications for my State, I ask you to put those two words into the bill. That is not unreasonable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I come first and foremost tonight to thank the staff who worked so hard on this package—and I mean not just over the last few weeks but for literally years—to try to get to an agreement on something we could vote on.

It is not a surprise to the Senate that it is December and people are voting on a lands package. My colleague from Colorado outlined it very well. When you have these bills that deal with water, that deal with public lands, that deal with giving Federal land back to communities so they can improve their communities, and yet designating some special places so they can be preserved for the public, yes, not all of your colleagues care about the details of that, and you are never going to get the leader, who is in control of the Senate, to give you floor time on that bill.

So every December, we are here with a lands package to be considered, and it is a package that has a lot of input from a lot of people, negotiated, in this case, with the House and the Senate, with Democrats and Republicans—a four-corner negotiation.

The missed opportunity tonight, as my colleague from Colorado said, is that we don't get to vote on it. My colleague from Utah is not being correct in that he was offered a chance to have that vote. He was offered a chance to have this bill brought up and to have his ideas voted on. He knew he was going to lose, and he knows he is going to lose in January, but he wants to insist tonight on prevailing. I am not

sure why, because, as my colleague from Colorado said, why continue to hold up these small communities from getting the resources they need?

Trust me, communities like Yakima, WA, want answers to the challenges of changing conditions that impact water and the fact that fish and farmers and Tribes and environmentalists all have to get together to solve those problems. So they worked for years on coming up with a solution collectively at the local community and then put that before the U.S. Senate for a hearing and for consideration, and that proposal passed the U.S. Senate, I think, in an 85-to-12 vote 2 years ago, as did permanent reauthorization of the Land and Water Conservation Fund, 2 years ago, which passed the U.S. Senate.

So if my colleague from Utah is imagining that somehow the Land and Water Conservation Fund being made permanent is not going to pass the U.S. Senate, he is just dreaming of something that is really going to take place and become reality in the very near future. But what you have done tonight is made it a lot harder for us to make sure that we are moving ahead.

This legislation that he refused to allow us to vote on tonight also includes important—I would say one thing. The one thing that maybe you could say hasn't had constant, constant attention over 2 years but certainly has grown in importance is new technology to help our firefighters fight fires, locate where the fire is happening, and GPS systems to help make people more safe. That was in this package and probably, yes, has gotten enhanced a great deal over the last 6 months as we have seen the tragic, devastating impacts of fires throughout the West. So, yes, that was in here and it was part of consideration, and, yes, there was legislative action. Ninety percent of this package either saw legislation passed by the House of Representatives or passed by the Senate—legislation that basically passed out of either a Senate committee or a House committee.

So it is not like these ideas came out of nowhere. They are, as my colleague from Colorado said best, parochial issues that we find very hard to get the rest of our colleagues to ever want to pay attention to the details.

So this has been the tried and true fashion by which the Senate has passed land packages, as long as I have been here, for 18 years. That is what you do in December. You pass a lands package. I wish it were different.

My colleague from Colorado made a good suggestion about 7 or 8 months ago: Why don't we do some right now? Thanks to his initiative, we actually bundled together 15 or 20. But he was right. Guess what. Everybody said: Where is mine? Where is my package? Where is this? I am not going to let you do this, and we were in the same boat. So the best answer to all of that is that in December we will do a lands package.

The notion that people didn't know this was coming is a little bit facetious. Everybody has known that this is the time, and these are the packages and these are the proposals.

To my colleague from Utah, I get it. He is not necessarily in agreement with some of his own delegation who pushed things for Utah that are in this package. I get it. He has a different philosophy about what should happen. I guarantee you that Utah is going to have a lot more debates about what it wants to see for its future, and I think that is ultimately healthy. I can just answer for my State, which has three National Parks and generates millions of dollars from them. I can just answer for my State, which thinks that the outdoor economy is the No. 1 reason we attract and keep high-skilled and unbelievable manufacturing jobs in the Pacific Northwest. Why? Because businesses want to locate there because their workers want to have access to that. My State knows that the outdoor economy—because it has companies like REI—is over \$800 billion of annual economy. So, yes, when you invest in public lands, you get more access for hunters and fishers and people who want to go and enjoy and recreate, and for our veterans. So guess what. It is a great economic development tool.

The notion that a State that has public lands doesn't have economic opportunity is not telling the whole story. We all get it. We all represent counties that have nothing but an outdoor economy or public land, and then they want to know how to build a school or a fire station or keep the lights on for basic services. We get that complexity too.

But our colleagues did consider these ideas, and our colleagues did consider the notion that there are diverse opinions. It is just that, at the end of the day, you have to have a vote. You have to be able to come here to the Senate on this subject—that is, lands packages—and have a process.

Listen, if my colleagues who care so much about this want to create a new norm in the Senate that the first week of December will be the deadline for all lands packages, and then by the end of that session we will have lands packages always considered in the Senate, I am all for it. I am all for that right now, because I see devastation happening on water writ large. I see unbelievable problems happening throughout the West just on water.

Now, you can say we are going to do nothing and we are just going to let the courts and the lawsuits and everything play out. But guess what. That is where we were on fire, until what happened? Until the Senators from Montana and the Senators from Idaho and the Senators from Oregon and the Senators from Washington all got together on a fire bill and we said: This is what we think would be great for the West to do to move forward. That is what we were trying to do tonight on water, on other fire measures, and on public lands, and helping veterans and Native

Americans in Alaska who never got a fair deal on access to their own land.

So I get that these solutions may take a few pages to print out and for people to read, but they are important public policies that need to have this body's attention, and you are doing nothing but shortchanging the public debate if you will not even allow the bill to come to the floor for that debate.

We are always, always going to get sidelined as individual bills, not being important enough to take up the time of the Senate. It is only collectively, in a bundle like we saw tonight, that they can be considered. But I guarantee you—I guarantee you—that they are not going to grow into a package that becomes less important with time. They are just not. They are just not. They are going to continue to be amplified as important public policies, where a local government—a county or a city—and the Forest Service and BLM and a school district and a community are going to have to work together. They are going to have to work together. They are going to have to work together on water, on fire, on public access, on conveyance, on how we are going to preserve open space, on how we are going to recreate. It is going to be demanded.

I know my colleague from Utah doesn't agree with all these philosophies, but I guarantee you that there are lots of people in Utah who would have loved to have a vote tonight to see how those issues would have played out.

I just want to thank staff. They have worked night and day, literally—literally for months, if not years—on these policies. They have worked so hard to try to find the common good and a place to move forward, and I so appreciate that our leaders are now committing to us to help move this forward in January. We are definitely going to take them up on it. Even though it will be a new Congress and a new House of Representatives, we are going to take it up, and I am sure that our colleagues, Congressman GRIJALVA and Congressman BISHOP, will be there to work with us.

There will never be an easy day to vote on public lands—never. It is just never going to happen. So we had better own up to the responsibility and get the commitment to these cities and communities that need us to help them hold Federal Agencies accountable, to make the investments our constituents want to see, and to solve these problems so our communities can continue to grow and thrive.

I believe these people are bubbling up some of the best ideas on how to move forward. That is what they did in various parts of the West. Whether that was in Montana with what to do at Yellowstone, or whether that was in Alaska with what to do with the Native issue, or Yakima on what to do with water, they are bubbling up the ideas. At least what we can do is give them

the courtesy of having a vote so that they can be considered.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I know my colleague from Montana wishes to speak. But before the Senator from Washington departs, I also want to acknowledge the good work of both of our staffs—and not just our staffs, but working with our colleagues on the House side and with so many Members.

When you are going through the volume that we are talking about—some 114 different bills on the House side and the Senate side—it is extraordinarily tedious and difficult work, and I think we owe them all a great deal of thanks. But I also want to rise and thank Senator CANTWELL, because in this next Congress she will be moving to another position as ranking member and I will not be working side-by-side with her as we have.

I think it is important to note that on the difficult things that came before us, we didn't always start off in agreement, but we slogged through it and our teams stuck with it and slogged through it, and we got to where we are tonight. While it is not a good ending from my view, in that we weren't able to provide these counties, these communities, these people that have worked so hard the satisfaction they are seeking, the commitment to continue this until we are done is real, it is in place, it is intact, and it was agreed to tonight, and we are going to be moving forward in the first few weeks of January.

I want to thank Senator CANTWELL for the working relationship we have had over these past couple of years moving through important matters for your State, for my State, and really for the good of the country when it comes to energy. So I just appreciate your courtesies and our opportunity to work together and that of our staffs.

Ms. CANTWELL. Mr. President, I just want to thank the Senator from Alaska for her great work and working in such a collaborative way. I am certainly not leaving the Energy Committee and certainly not going to back away from any of these big issues, but certainly, as she said, I will not be working as closely as the ranking member with her as chair. But I am certainly and definitely going to continue to work in a collaborative way.

So I thank her for her kind comments and look forward to what we can do in the new year.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I want to share some comments on what we saw happen here tonight as it relates to the public lands package. We saw a glimpse here tonight of, on the one hand, how this institution can really come together—years of bipartisan work, years of collaboration on the

ground back in our respective States—and come together to put together a lands package and ask for a simple up-or-down vote tonight in the Senate.

I am very confident that had we had the opportunity to have voted here tonight, you would have seen this lands package pass the Senate by at least a 2-to-1 margin. It would have gone to the House, and it would have passed. It would have gone to President Trump's desk, and I am confident he would have signed it.

We have been fighting for permanent reauthorization of the Land and Water Conservation Fund because of what happened right here tonight—the uncertainty of this institution, where 98 Senators can say “Let's move ahead for a vote”; 2 Senators say no, and we weren't able to have a vote tonight.

It is OK to oppose legislation. That is the American process—for each of us to come down here and express our respective opinions. Some will say yes; some will say no. What we were asking for here tonight is to have that debate on the floor. Let's have that vote on the floor, and let the Senators respectively speak on behalf of the people who sent them here in the first place to represent their interests.

The Land and Water Conservation Fund—the reason we need to permanently reauthorize it is that tonight you could see that we didn't get it done. In fact, it expired on September 30, and here we are, halfway through December, and we still do not have the reauthorization of LWCF. That is why we need to make it permanent; you can't depend on this institution.

So often, for the transaction required back in our home States, where we use LWCF funds to access our public lands with a checkerboard-nature ownership structure of many, many places out West, it takes years to put together these deals—private landowners, the State, the Federal Government coming together. When the Federal Government—the U.S. Congress—can't get its job done, it creates uncertainty. Consequently, who loses when there is uncertainty? The American people lose.

That is why we need to permanently reauthorize it. It actually creates more certainty in taking care of a lot of these complex land issues out West, and it saves taxpayers' dollars.

By the way, as Senator BURR has said over and over again, LWCF doesn't cost the taxpayer anything. It doesn't cost the taxpayer anything.

That was in this bill tonight to permanently reauthorize it. It didn't get done.

As you read through the titles of these various bills, you hear the stories. There may be what looks like one little line item here in section 1009, S. 1219. There is some little obscure title that a guy from Montana has no idea what is going on in Louisiana or Tennessee or Alaska or Colorado, but I know back in those respective communities, there is a lot of hard work bringing people together,

collaboratives to come together to put together a bill that we then bring to Congress. We move it through committees. We have hours of hearings. Literally, there are probably 100 years of effort at least that have gone into this legislation tonight that we were not able to have an up-or-down vote on.

Wildfire Technology Modernization, the Yellowstone Gateway Protection Act—those are important to me in Montana. I will tell you what. The people who are closest to the lands ought to have the loudest voice, and I can tell you, the people in Paradise Valley, south of Livingston, MT, don't want to see a large money operation near Chico, MT. It is time to withdraw the rights there and allow that backdoor to Yellowstone National Park to be protected in perpetuity. That was part of this land package tonight.

If you take a look at the Sportsmen's Access to Federal Lands, one of the issues that sets our Nation apart is our public lands. I tell you what, if you go to Europe, you don't see public lands. If you go virtually anywhere else in the world, you don't see public lands. It is a unique American experience that a mom and dad in Montana, a grandma and grandpa, an aunt and uncle can still go down to Walmart and buy an elk tag and jump in the pickup, and within 20 to 30 minutes be in elk country on public lands. That was part of the Sportsmen's Access package.

We had the Open Book on Equal Access to Justice Act. In fact, it is something that Senator BARRASSO put in place here to ensure we have transparency in the way these funds are spent.

There is the Migratory Bird Framework and Hunting Opportunities for Veterans Act in here.

My point is there are over 100 bills in here with a lot of careful thought, a lot of consideration moving through committees. All we wanted to do tonight is have an up-or-down vote. We didn't get it.

I am grateful that we had a good bipartisan spirit here tonight, that we were working with leadership in both parties here in the Senate, both parties in the House, including the future leadership in the House. We are going to bring this bill back to the floor of the U.S. Senate in January. We are going to move this through. We are going to move it to the House. We are going to fight to get this thing on the President's desk and signed as one of the early acts of Congress in 2019.

It didn't end well tonight with this package, but we are going to start strong in January. We are not giving up the fight.

I want to thank the staff and the committee leadership on both sides for helping us get to this point tonight.

Merry Christmas and Happy New Year. We will be back in January, fighting.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Kansas.

GOVERNMENT FUNDING

Mr. MORAN. Mr. President, a little earlier in the evening, we cast a vote, one that was done without a rollcall, and I want my constituents to know how I voted because, while I will put a statement in the RECORD, it will not appear as yeas and nays.

Earlier this evening we passed a continuing resolution, and I voted no. I want my constituents to know how I voted, and I want them to know why.

I indicated to my colleagues within the last 10 days that I intend to vote no on a CR because it is not the way we should be conducting business in the U.S. Senate or in the U.S. House of Representatives.

Continuing resolutions mean that we are just postponing the issues we face today, and they don't get any easier the longer we wait to resolve them.

They also mean that for the appropriations process, of which I am a part and have spent a significant amount of time this year, while we were successful in many, many ways, we have left seven bills without resolution. Because we couldn't resolve them, we are going to fund those Departments and Agencies at the same level of spending next year as this year.

What that means is after the number of hearings we had—the witnesses who were brought in and testified, the oversight we have done onsite at Departments and Agencies and facilities across the country—we are left without that input being included in decisions. It means we are not prioritizing what spending is important.

There may be a few things around here that could utilize additional resources. Maybe the resources level that we fund things at today is what it should be. Maybe there are things we shouldn't fund at all, and there are certainly some things which we could fund at lower levels. But no, we are not going to say that this is more important than this; we are going to say all things are equal. The way we have funded appropriations last year for these Agencies and Departments is exactly the right amount it should be into the future.

Unfortunately, we have done CRs long enough that we are not just talking about, is it right? What was right for last year is the same amount that it should be for the next several months. It goes back years. So what we are saying is that the decisions we made years ago are the same priorities we would have today. That is not true.

Perhaps more compelling to me is that every time we pass a CR, we lose the opportunity to utilize the power of the purse string to rein in the behavior and actions of those who work in those Bureaus, Departments, and Agencies. If Congress is always going to give a Federal Agency the same amount of money in the future as it gave in the past, there is no reason for those Agencies to pay attention to the U.S. Congress, to the House and the Senate, to article I of the U.S. Constitution, which gives

the authority for appropriating money to fund the Federal Government to this Congress. We abdicate our responsibilities, and we reduce the opportunity on behalf of our constituents—for me, on behalf of Kansans—to make certain that the things they think are important are the things we fund, the things that are constitutional are the things we fund, and we lose the opportunity to tell an Agency by using the power of the purse string that when you pursue this regulation, when you pursue this policy, when you make the decision you make—Congress isn't going to have the leverage on you to convince you to change your behavior. We lose the relationship that exists under the Constitution for us to have power over those Departments and Agencies in the executive branch.

Common sense tells us that if we determine how much money an Agency or Department receives, they are going to be much more interested in what we have to say, and if they don't listen to us, we have the ability to remove the money, to eliminate the funding.

So tonight, in my view—and I believe this strongly—we missed an opportunity. We have been in this process for a long time now. We set out with the goal of passing all 12 appropriations bills individually. The Appropriations Committee has done that. But they were not all brought to the Senate floor. In fact, for the bills we are talking about tonight, a continuing resolution was passed for them several months ago, taking us to December 8.

At this point in time on December 8, we continued them until this Friday, and now, tonight, we have continued the continuing resolution with the same funding in the future as last—now for the third time in 2 months—to February 8. We are not doing what we are supposed to do, and in this process, in my view, the opportunity existed.

We were very close to reaching an agreement. President Trump has strong feelings about border security. President Trump was willing to work with Congress to find a solution. Somewhere along the line—and there are lots of folks who want to say where the blame lies—maybe it was with Speaker-elect Pelosi; maybe she just is unwilling to allow anything but a continuing resolution to pass. But the amount of dollars we were apart is so minimal, and the policy issues had been resolved. Yet, for some reason, we walked away. If she is the Speaker-elect of the House, I urge her to deal with this issue of appropriations. It is the power of Congress. Republicans and Democrats ought to work together to fill our constitutional responsibilities.

Where are the days in which the Congress—Republicans and Democrats, House and Senate—exhibited their prerogatives, not because we want power but because the Constitution gives us the authority—the responsibility, in fact—to make decisions about spending?

There is no glory in making a decision on spending when we say that to-

day's dollars are fine next week; they are fine the next week; they are fine the next month. We were so close to coming together this year, and it is disappointing that the end result is now a continuing resolution until February 8.

I want my constituents to know that we have done this too many times. Yes, there may be a time in which we want to have just a few days to resolve the final differences. A few days is not February 8; a few days is not now, for the third time. What we needed to decide months ago, we pursued weeks later. What we should have decided weeks later, we failed to address a week ago. Tonight, we failed once again to address the issues of the proper amount of funding. Twelve appropriation bills should march their way across the U.S. Senate floor, should march their way across the House of Representatives floor, and should be sent to a President for his or her signature or his or her veto.

The process that was exhibited this evening failed to allow me to have my vote recorded as it normally is, and it is important for me, for Kansans, and for Americans to know that I oppose the way we are doing business tonight. It needs to change. We have said it before, and if we always say that we can wait another 2 weeks, we can wait another 3 weeks, we will never get back to doing the work we are hired to do by the American people.

I have voted no. It is the right vote.

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

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

MORNING BUSINESS

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

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

REMEMBERING JOHN JOSEPH CASSIDY

Mr. HATCH. Mr. President, what can you say about a dear friend who has passed away? That he was brilliant? And supremely accomplished? That he loved family and church? And the law? And people from all walks of life?

To say these things does not nearly capture the full measure of the man, the much-beloved lawyer John Cassidy, a wonderful and humble person who rose to the top of his field, who advised Washington dignitaries from Presidents on down, indeed so many in this body; a man who was friends to celebrities, business leaders, and politicians

alike, to busboys, cabbies, and store clerks as well; a man who lived life to the fullest and yet always had a kind word for whomever he encountered in the wide, wide world he so loved to explore.

We lost our friend John Cassidy on October 21. While some might be tempted to say at 88 years John lived a long life—his incredible vigor, his youthful enthusiasm, his passion for life, his ready smile, and the twinkle in his eye—all underscore how the world was robbed by the sudden death of John Cassidy.

And so I wish to pay tribute to John Joseph Cassidy, a writer and painter, a gardener and chef, a legal scholar and mentor to decades of young students, and most of all, a devout family man whose definition of “family” embraced so many beyond his cherished wife Cynthia, his daughters Susan Ross Cassidy of Newton, MA, Carrie Elizabeth Goertz of Anchorage, AK, and Alice Madeline Meyre of Richmond, VA, and his six grandchildren John, Ned, Jennifer, Kate, Margaret, and Thomson.

I was proud to be part of that large extended family, and I mourn his loss.

Cassidy—how he invariably identified himself on the phone—was a native Washingtonian, a rarity here in the Nation’s Capital. John graduated from Georgetown University and then its law center and maintained a lifelong allegiance to both institutions, including service on the university’s board of directors and the law center’s board of visitors. That type of unflinching allegiance is vintage John Cassidy, as I came to learn over the decades of our close friendship.

Even as a young lawyer, Cassidy became active in civic affairs, serving as vice chairman of Montgomery County’s Law Enforcement and Criminal Justice Commission and as chair of the town council of Chevy Chase Section 4. He served in the Army’s JAG Corps where, in his typically self-deprecating style, he described his several years in Iceland as time honing his salmon-fishing technique with visiting senior officers.

Upon his return to the United States in the early 1960s, John served as executive assistant to the board of monitors appointed by the court to oversee the Teamsters as part of a Department of Justice settlement with the union concerning charges for corruption. He became a trial attorney in the Justice Department and a trusted aide to Attorneys General Robert Kennedy and Nicholas Katzenbach.

To be with Cassidy was to be with history. I remember once, when I walked him out of the Russell Building by my office in SR-135, he looked out at the Upper Senate Park extending down to where the Teamsters building stood. John gazed over and said, “Hoffa used to call that the ‘Trail of Tears’ as he came up to testify in the Senate.” With that, he was off to Constitution Avenue to flag a cab back to his office.

That was what life with Cassidy was like, and I will miss that so much about him.

Indeed, conversations with Cassidy were not ripped from a “Law & Order” marathon, a rapid-fire back and forth of case citations. Conversations with Cassidy were a meandering path, filled with history, commentary, a few recipes, jokes, and, yes, gardening tips. Conversations with Cassidy were an experience to be savored and long remembered.

In 1965, Cassidy left Justice, forming the Miller, Cassidy, Larroca & Lewin law firm with several of his former colleagues. Bill France, Sr., the founder of NASCAR, a major target of Hoffa’s efforts, became one of the firm’s anchor clients, a relationship that lasted for decades. Miller, Cassidy, Larroca & Lewin became a go-to law firm for public officials and business leaders under investigation for criminal offenses, a cadre that multiplied during the Watergate prosecutions and under the Independent Counsel Act that followed.

Miller Cassidy went on to represent a President, two former Attorneys General, numerous Senators and Representatives, six judges, and dozens of high-ranking executive branch officials.

When former partner Jamie Gorelick was nominated to be Deputy Attorney General in 1994, the Wall Street Journal said of the firm in an editorial that “among Beltway bigwigs, its phone number is posted right next to 911.”

For a small law firm, a remarkable number of the firm’s alumni were confirmed by the Senate to positions in the judicial and executive branches. They include a Deputy Attorney General, a Solicitor General, two Assistant Secretaries of the Treasury for Terrorist Financing, General Counsels of the CIA and Defense Department, three Federal appellate judges, and three U.S. District judges. No fewer than a dozen alumni became deans or professors at prominent law schools. Nearly all were mentored during their careers by John Cassidy.

In 2001, John called to tell me that he and most of the other lawyers from Miller Cassidy were joining the Washington, DC, office of Baker Botts, where he continued to practice until the brief illness that preceded his death. Throughout his career at Miller Cassidy and Baker Botts, John was renowned for how passionately he fought to protect the interests of his clients, many of whom remained friends for decades after their legal matters were resolved.

Former Secretary of Treasury and later Secretary of State James Baker, a senior partner at Baker Botts, said to me about John Cassidy, “John Cassidy was a great lawyer, but he was also, I think more importantly, a great friend. He had all the tools one would look for in an advocate and an advisor, and he knew how to work both the judicial process and the negotiating table to the benefit of his clients. But John also really cared about your response when he asked ‘How are you doing?’ He was truly a genuine person, and it seems we

are missing too many of his kind of people these days . . . and not only in the legal profession.”

There are so many fond memories I have of life with Cassidy. Indeed, my relationship with him started over a legal matter, but we quickly became friends, and that was true for so many of my colleagues who sought John’s capable legal advice to save us from demise.

I remember how John would interrupt tense negotiations with a quick quip or story that changed the room’s dynamic and helped bring resolution to the matter at hand. I remember how he would bring to restaurants his famous jams from his carefully tended Berry Farm in Potomac. At Ristorante Tosca, he was often seen bringing his homemade caramels or preserves into the kitchen, insisting the chef and staff partake of his food long before he ever ordered his meal.

I remember Cassidy’s love of golf led him to significant charitable work with the Tiger Woods Foundation. John and I were equally skilled as golfers, and that is not a compliment to him or me. While even on our very best days neither of us could threaten to break par, playing golf with John was an experience that ran counter to the title, but fully in the spirit, of Tom Boswell’s wryly named book, “A Good Walk Spoiled.”

Spending time with John was always a treasure.

I remember John’s vibrant pastel drawings; he often drew inspiration from his magnificent garden at the Berry Farm—garden with berries and flowers, herbs, and Mr. Stripey tomato plants ten feet high. Such was his bounty.

I rue that I will never be able to pour over his draft memoirs, surely to be one of the most interesting tomes in recent history.

Once, I asked Cassidy when he was planning on retiring. He wasn’t sure. Cindy tells me, at 65, he decided to delay the decision 5 years—at 70, another 5 years—at 75, another 5 years. I have no doubt, at 90, he would have given the same reply.

In a tribute to Cassidy, his nephew, Jim, said, “John Cassidy was a friend of motorsports, a friend of NASCAR and a friend to just about whoever made his acquaintance. And he was so much more.”

That sums it up. John Cassidy was a friend to this body, a friend to our institution, and a friend to me. His passing is a loss to his family, his many friends and colleagues, and most of all, this country that he loved so much. I will miss him.

REMEMBERING DONALD DOHERTY

Mr. DURBIN. Mr. President, McHenry, IL, lost one of its favorite sons on November 21. Donald Doherty was the mayor of McHenry from 1961 to 1973. He was a county board member for 20 years. He was a husband, a father, grandfather, a veteran of the U.S.

Army, and someone who truly loved his community. He was 91 years old.

If you go down Green Street in McHenry, you will come to the intersection of Pearl Street and Green Street and a sign for Honorary Donald P. Doherty Drive. Donald loved living in McHenry. People could always find Donald along Green Street at St. Patrick's Church or at city hall or at his family's drug store, Bolger Drugs. McHenry and his family were his life.

Before Donald became mayor in 1961, he ran the Bolger Drug Store. He was famous for going out of his way to help customers. If his store didn't have it, he would make sure the customer got it. The community rewarded him by choosing him to be mayor for 12 years.

His love of the community continued well after his time as mayor. He went on to serve as a member of the county board, the Knights of Columbus, and the McHenry Area Chamber of Commerce where he received the chamber's highest honor, the Frank E. Low Award. Donald often would consult succeeding mayors if they needed help. During McHenry Fiesta Days, you could find him as the parade marshal.

Donald helped make McHenry a better place to live for people. He loved car rides, playing bingo with his friends at the McHenry Country Club, and he missed playing Scrabble with his late wife, Rosalie. He leaves behind 10 children and 21 grandchildren.

TRIBUTE TO CATHY HURWIT

Mr. DURBIN. Mr. President, I would like to take a moment to thank a remarkable woman whose commitment to justice has helped more people in my State and in our Nation than she will probably ever know.

Her name is Cathy Hurwit. For the last 20 years, she has served as chief of staff to my friend from Chicago, Congresswoman Jan Schakowsky.

Cathy Hurwit is retiring from public service at the end of this year. This week, as she was packing up her office in the Rayburn building, a coworker happened to see her pull a photo from a drawer and pack it away with her books and files. It was a signed photo of Cathy with President Barack Obama.

That small incident tells you a lot about Cathy Hurwit. You see, for Cathy, public service has never been about personal gain. She has no use for "vanity walls" covered with photos of herself with powerful people.

Where others might hang a photo of themselves with a President, Cathy Hurwit hangs a poster from a rally to save Social Security and Medicare. For her, public service has always been about helping others and making our government better and fairer.

Cathy Hurwit is an icon in the progressive movement. She is committed to her values, and she is a genius at organizing and legislating. She knows how to use power to help others, whether in the minority or majority.

She didn't set out to work on Capitol Hill. Her first job after college was working as an AmeriCorps VISTA volunteer, helping migrant laborers in Utah.

She went back to school to earn a master's in journalism. After her first year, she was hired as a summer intern by Congressman Toby Moffett. She never went back to "J school."

She worked as Congressman Moffett's energy policy director for 3 years.

She then worked as adviser to the Subcommittee on Environment, Energy, and Natural Resources of the House Government Operations Committee, followed by 2 years as legislative director for then-Congressman, now Senator, ED MARKEY.

Cathy left Capitol Hill to become legislative director for Citizen Action, a coalition of progressive organizations, from 1988 to 1997. After that came 2 years as legislative director and healthcare policy expert for the American Federation of State, County, and Municipal Employees, one of the great public employee unions in our country.

Cathy had vowed never to return to Capitol Hill. Thank goodness, Congresswoman SCHAKOWSKY persuaded her to change her mind.

Few people know more than Cathy Hurwit about the complexities of healthcare policy or about the consequences of the healthcare policy decisions we make in Congress for ordinary people. If you are among the millions of Americans who are grateful that insurers can no longer deny you coverage or charge you astronomically more for health insurance because of a preexisting medical condition, you can thank Cathy Hurwit. She was fighting for a Patients' Bill of Rights more than 20 years ago. With Congresswoman SCHAKOWSKY and others, she helped to include that and other essential protections in the Affordable Care Act.

Her work has improved the lives of millions of Americans.

While Cathy is leaving the Hill, she is not leaving the fight. I hope that she will find a little more time to enjoy a good show at the Kennedy Center. I know that she will continue to be a force for social justice.

BIPARTISANSHIP

Mr. LEAHY. Mr. President, on November 6, millions of Americans, including thousands of Vermonters, headed to the polls to cast their votes in these midterm elections. Back home, Vermonters reelected our governor, Governor Phil Scott, a Republican, to another term in office. They also returned Democratic majorities to the State house and senate.

I was moved by the remarks delivered by Governor Scott on election night. Of the elections, he said, "Vermonters are saying they want us to work for them, not against each other. They are saying we need to listen to one another and prove to the

rest of the nation that in Vermont we can and will rise above partisan politics."

I have spoken in Vermont about Governor Scott's speech. I believe his remarks show how we work together in Vermont and how we should work together in Washington. I am proud of the challenge put forth by Governor Scott. I know that, in Vermont, it is a challenge we can meet.

The book will soon close on the 115th Congress, one in which one party controlled majorities in both the House and Senate and the White House. The book will open on the 116th Congress, where I hope we can move forward with the bipartisan spirit that Governor Scott challenged us all to adopt in his remarks on election night. As it has throughout our Nation's history, Vermont is leading by example. It is an example I implore every Senator to follow. Let's focus on what unites us, rather than promote greater division between us.

I ask unanimous consent that the remarks of Vermont Governor Phil Scott be printed in the RECORD.

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

VERMONT GOVERNOR PHIL SCOTT'S ELECTION NIGHT SPEECH—TUESDAY, NOVEMBER 6, 2018

Thank you all very much for being here tonight.

First, I want to thank my family—especially my wife Diana and my daughters Erica and Rachael, my mom and many other family members for their love and support. I wouldn't be standing here today without you.

Throughout my life—whether it be in business, racing or politics—I've been able to bring people together who have the right attitude and chemistry.

I'd like to first thank my team. Both my campaign team who worked long days that became longer nights; as well I want to thank my cabinet and my staff who stuck with me through thick and thin. I'm blessed with an incredibly talented team, so loyal and bright, who have spent the last two years working to make the vision we share for Vermont a reality.

Now I know we've taken tonight off, but I look forward to continuing our work, with all of you, first thing tomorrow morning.

Tonight, 180 Vermonters were elected to serve as our Legislature for the next two years.

I want to personally congratulate each of them—some here this evening. I look forward to working with you in the coming months. And "work" being the key word because there's so much to do.

There are few higher honors than being elected by your neighbors, for them to have enough faith and trust in you to represent them and their interests and be the person they are counting on to work on the issues that are most important to them and your community.

And there's no greater responsibility than working every day to understand and solve the problems facing our state.

For those newly elected, like I was 18 years ago, you may still think everything is black or white, yes or no, but I would warn you, there's a lot of gray in between.

Typically, there are no easy answers, no corners to cut—only hard work ahead, to do all we can to create a stronger, more vibrant future for all of us.

In electing a Governor of one party and a legislature led by another the message Vermonters have sent us tonight is clear: work together.

Vermonters are saying they want us to work for them, not against each other.

They are saying we need to listen to one another and prove to the rest of the nation that in Vermont we can and will rise above partisan politics.

We must come together for the future of our state in order to strengthen our economy, make Vermont affordable and protect the vulnerable in all 251 communities in Vermont.

Whether you're from Brighton or Brandon, Alburgh or Albany—we all want the same thing.

We want the kids in every community to get a great education, learn a trade, pursue the career of their dreams, buy a home, start a family and retire right here in the state we love.

This is the challenge we face together. And tonight, I humbly accept that challenge once again.

I'd also like to thank my opponent, Christine Hallquist, for stepping up and running an energized and historic campaign.

While we may not have agreed on many issues, we did agree from the start that this race would be about the things we felt mattered most to the people of Vermont.

While across the nation other races in other states turned negative and uncivil, in Vermont, we rose above it.

The news out of Vermont this election was clear: we can disagree, we can debate—and we can do it with passion—but in this state, we can do it respectfully.

It wasn't perfect. And at times we were reminded that we're not immune to the hate and bigotry that is all too present around the country, but by and large, this campaign was marked by the type of civility Vermonters, and Americans for that matter, deserve in our public process.

There was probably no better example of that than Zac Mayo and Lucy Rodgers of Cambridge, two candidates, ending a debate last month by sitting together to perform a musical duet.

For this, and for stepping up, and putting yourself out there, I'd like to thank all candidates tonight.

From the top of the ticket all the way down, it's not easy to put yourself out there—win or lose. So, I thank you for your contribution to the conversation and commitment to making Vermont a better place.

I'd also like to note that the issues that have been raised in this campaign due to Christine's historic candidacy are front and center.

I want you to know that as long as I'm Governor, I'll continue to make sure our state lives up to our motto of freedom and unity as well as our reputation of tolerance and compassion by being the most welcoming in the nation, while defending all Vermonters from hate and bigotry.

This will remain one of my administration's top priorities—no exceptions.

Today, Vermonters spoke loud and clear.

So, tonight, I'll reaffirm my commitment to the three principles on which my administration bases every decision we make:

First, we're going to continue to make Vermont more affordable.

I travel the state every day, I see the struggles our neighbors face and I know that the high cost of living, doing business, energy, healthcare, education and taxes are forcing too many to look elsewhere for opportunity.

We should all find that unacceptable. So, as I've done for the past 18 years, I'll spend the next two, working to reverse that trend.

Second, if we're going to grow our economy, we must bring more into the workforce and attract more people to our state.

We need more kids in our schools, more workers for our businesses, more proud, first time homeowners right here in Vermont.

We need a bigger labor force to support the public investments we care about because if we don't—if we can't grow our economy—then we're faced with two options: raise taxes or make cuts to programs which could harm the most vulnerable, neither of which is acceptable.

That's why I ask legislators, in fact, all elected officials to work with me on a plan to grow our workforce to increase our working age population because our future literally depends on it.

Third, we're going to protect our neighbors. We'll continue to address the opioid crisis, those suffering from mental health issues and find ways to make sure all Vermonters have access to affordable healthcare.

We'll take care of our elderly and our veterans—who have given so much to us—our children, and those who need us most, when they need us most because it's what we do in Vermont.

And finally, if we're going to accomplish any of this, we must continue to rise above partisanship and politics of hate and division.

Our time to make a difference for those who have elected us, is far too short. We can't allow ourselves to fall victim to pettiness, political games and angry rhetoric.

Now more than ever, we must be better role models because our children are watching, and they want to be just like us.

We must be better, kinder and more respectful to each other and take the time to listen.

This is the challenge ahead. This is my vision for our future.

It is the greatest honor of my life to have the trust of Vermonters to carry out this work on their behalf.

Thank you again from the bottom of my heart and as I've done throughout my entire life, I will do my very best not to let you down.

TRIBUTE TO LLOYD SQUIRES

Mr. LEAHY. Mr. President, small business are at the heart of many communities around the country, but in a small State like Vermont, local businesses and their owners truly bring people together. Lloyd Squires and his bustling Burlington bagel business, Myer's Bagels, is one example. For the past 22 years, Lloyd has dedicated his life to running this Vermont establishment, making more than 3,000 hand-rolled bagels every day.

Lloyd grew up in Montreal and struggled with homelessness as a teenager. However, his life turned around at age 15 when Myer Lewkowicz, the owner of the Montreal-famous St-Viateur Bagel, offered Lloyd a job that allowed him to finish school, put a roof over his head, and learn from Myer's teaching. Myer had moved to Montreal and started his bagel business in the 1950s, having survived the Buchenwald concentration camp. Lloyd worked side-by-side with Myer for 15 years until Myer passed away. To honor his mentor, Lloyd opened up Myer's Bagels in Burlington, VT, in 1996.

Lloyd has worked tirelessly over the last two decades to develop his growing

business. Before Lloyd received his green card, he would drive the 4-hour roundtrip from his home in Montreal to Burlington, VT, each day. Lloyd lives much closer now, but still drives 4 hours each day to deliver bagels around the region. Lloyd gives 1,200 bagels away each week to local charities. When asked, Lloyd will tell you that his favorite part about running his business and working incredibly long hours is being able to talk to his customers and develop close relationships with the community.

I am proud to recognize the business and community that Lloyd Squires has helped create in Vermont over the past 20 years.

I ask unanimous consent to have printed in the RECORD a Burlington Free Press article titled, "A day in the life of Lloyd Squires, Vermont's 'best' bagel maker." It shares Lloyd's hard work and the story of how he has gone from being homeless as a teenager to a cornerstone of our community.

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

[FROM THE BURLINGTON FREE PRESS, NOV. 23, 2018]

DAY IN THE LIFE OF A BAGEL MAKER

(By Evan Weiss)

Lloyd Squires, 54, wakes up in his South Burlington home as he does every day: without an alarm. He puts on a layer of Under Armour, a Montreal Canadiens T-shirt and a matching Canadiens hat.

He likes hockey. He'd fallen asleep around 9:30 the night before, watching his team lose to the Sabres.

He rarely gets four hours of sleep.

2:00 a.m.

Lloyd, the founder and co-owner of Myer's Bagels, drives to a gas station and picks up a cup of coffee.

In Burlington, Kountry Kart Deli is busy making sandwiches for a less-thansober crowd. It is late for them, early for Lloyd.

2:10 a.m.

He turns off Pine Street and arrives at Myer's, backing into a spot that directly faces the shop. I tell him I think that says something about him, that most people would pull straight in. He says he likes to shine his headlights on the bakery because it's been broken into three times this year. If there's ever danger, he says later, there's a machete hidden inside.

He unlocks the door and a large banner welcomes us in cursive: Myer's Bagels. A Taste of Old Montreal.

Myer Lewkowicz, the namesake for the shop, was a survivor of Buchenwald concentration camp. He moved to Mile End, Montreal's historically Jewish neighborhood, in 1953 and cofounded the famous St-Viateur Bagel in 1957.

In 1980, Lloyd was 15 and homeless, sleeping in a park for five days. He took an overnight factory job and went to school during the day. After his third shift, walking by St-Viateur at 3 a.m., Myer asked what he was doing out so early every morning. He offered Lloyd a job on the spot, a job Lloyd credits with saving his life: 13-hour days, Friday, Saturday and Sunday, so he could stay in school.

Later, Myer would offer Lloyd the day shift, which he happily accepted. He'd soon discover that the "day shift" was 3 a.m. to 4 p.m. six days a week.

2:11 a.m.

"First thing I do is put on the radio. First person gets to choose the station for the day." Lloyd chooses country music.

2:12 a.m.

He turns the faucet to fill the kettle. Bagels are traditionally made by boiling before baking (though some commercial bakers will use steam to save time and money).

2:14 a.m.

He re-activates the fire with paper and Middlebury-sourced wood.

New York-style bagels, the most common variety, are usually machinerolled, boiled in tap water and baked in a gas oven.

Montreal-style bagels are traditionally hand-rolled, boiled in honey water and baked in a wood-fired oven.

2:15 a.m.

He mixes Red Star yeast with a bucket of water and gets the flour ready.

2:25 a.m.

He throws all of the ingredients into a 50-year-old Canadian mixer. He says he has a new \$20,000 model waiting in the wings, but he likes the old one better—it's the same kind he learned on at St-Viateur.

He likes reminiscing about his time there. Myer, he says, once bought football tickets for six employees. They all showed up to St-Viateur, excited, and stuffed into Myer's car. He drove two blocks, parked and told them they were all taking the subway: "I'm not paying for parking." Myer later helped Lloyd buy his first house.

Lloyd worked at St-Viateur for 15 years, half of his life at that point, and only left after Myer died of cancer.

2:32 a.m.

Lloyd makes coffee, so some will be ready when the shop opens at 4 a.m.

The fire is already roaring.

3:06 a.m.

He pours the requisite honey into the kettle.

3:27 a.m.

The gluten-free bagels are "dropped" first. Lloyd created his own GF flour mix and is the only one who makes it in the bakery. In total, he has 42 bagel recipes.

His favorite is "Montreal Spice Whole Wheat . . . which we don't sell. I make them just for me."

3:30 a.m.

The first batch of dough is ready. On a normal day, the bakery will go through four of these 140-pound masses.

3:32 a.m.

The rolling begins.

The room already smells of honey and toasted sesame seeds.

3:40 a.m.

The boiling begins.

As Lloyd drops the first gluten-full bagels, he says he sees money differently. "When I bought a car, I went, 'That's 15,000 bagels. I have to make those!'"

3:52 a.m.

Baker Matt Audette, 25, covers the boiled bagels in rosemary. They go in the oven immediately. Matt was born and raised in Vermont, but came from a pretzel-baking job in Washington, D.C. He likes the early hours.

4:02 a.m.

17-year-old Kyle McGuire has worked at Myer's for two months, and Lloyd is by his side, training him to roll. When Kyle is done with his shift, he'll go home to shower and head to Colchester High School, where he's a senior.

Lloyd says he trained 100 bakers at St-Viateur; 75 are still there.

4:08 a.m.

The shop has been open for eight minutes. Everyone is working quickly before the morning rush.

4:09 a.m.

The second batch of dough goes in the mixer.

4:16 a.m.

The ready bagels are tossed into a long metal tray called the chute.

Lloyd organizes them.

4:34 a.m.

Matt ensures the boiled bagels are fully covered. The honey in the water helps make everything stick.

4:58 a.m.

The first customers arrive, tired and hungry.

5:06 a.m.

Lloyd moves to the station where his team slices bagels headed for bags. He explains that each bagel has to be cut with a knife because the hand-rolling process results in varying shapes unfit for a standard slicer. There were three main jobs at St-Viateur, he says: bagging, rolling and baking. Myer had told Lloyd that as he worked his way up, he'd make more money. Lloyd retold this story, laughing, because he learned that the increased pay didn't come from a better hourly rate, but from the longer hours required: baggers worked 20, rollers worked 40 and bakers worked 75.

5:18 a.m.

Batch two is ready for rolling. There are five ingredients in the dough:

-King Arthur's Sir Lancelot High-Gluten Flour

-Malted Barley Flour ? Sugar

-Water

-Yeast Lloyd estimates that 3,000 to 4,000 pounds of King Arthur flour and 400 pounds of Green Mountain Creamery cream cheese are consumed during an average week.

5:30 a.m.

Lloyd finally sits down for breakfast: a plain bagel with lox, scallion cream cheese and tomatoes. He washes it down with a Natalie's orange juice and is done by 5:35 a.m. It's the only non-bathroom break he takes during his 8.5 hours in the bakery.

5:38 a.m.

The chute is already littered with seeds beneath the wire baskets. Over the course of the day, three to five pounds of seeds will end up there. They'll be collected and thrown in the fire because they still have oil.

"It flavors the oven," Lloyd says.

5:39 a.m.

He mans the oven, which he built with three friends over five 18-hour days, using 3,700 fire bricks. He'll occasionally make pizza with his dough, adding crushed tomato, garlic and 15-year-aged provolone, which he'll top with his Montreal spice mix. It's not on the menu, but he'll make it for party-sized orders.

6:36 a.m.

Dough number three is thrown in the mixer.

It's clear that the machine is old: a clamp and bag of flour keep it closed.

6:40 a.m.

A rush of customers begins.

6:47 a.m.

Lloyd rolls with Kyle again.

Matt and Kyle explain how Lloyd can roll a bagel and throw it perfectly into place anywhere across the table, or even into the oven.

6:55 a.m.

Lloyd rolls alone again.

I clock him at roughly a baker's dozen per minute. He says he could get up to 38, if needed, though he's recovering from an eye injury. He's worked with people who could do 40 to 45, no problem.

7:32 a.m.

Matt calls out, "Fresh rosemary!"

Two customers grin and peer over to see the bagels lobbed into the chute.

The bagels are flipped and flung using a long wooden paddle called a shebah. The spelling of this word varies. When asked why it's called a shebah, Lloyd says, "That's what he called it."

"He" means Myer.

Lloyd used to buy the paddles in Montreal, but now commissions them from Sterling Furniture Works across the street. They start as blonde, unvarnished wood. Over time, they develop a dark patina in the oven, the far edge turning black.

7:36 a.m.

Kyle asks Lloyd, "How's it going?"

Lloyd replies, "Living the dream."

He always responds, "Living the dream" or "Rolling in the dough," Kyle says.

They both laugh.

7:50 a.m.

The rolling continues. Lloyd estimates they've made 110 dozen bagels thus far.

They bake between 250 and 300 dozen on an average day, he says, which is 3,000 to 3,600 bagels for those of us who don't think in dozens.

8:08 a.m.

One burnt bagel comes out of the oven. It goes into the fire next to the seeds.

Lloyd says Myer couldn't stand seeing anything wasted because of his time in the Holocaust. According to the St-Viateur website, Myer once spoke to a high school class and said, "At Buchenwald, all I dreamt of was a piece of bread."

8:10 a.m.

Kyle leaves, but before he does, out of earshot of Lloyd, he says, "He's a really awesome boss."

8:16 a.m.

Lloyd takes the last sip of his gas station coffee, over six hours after he bought it.

A group of visiting Austrians, who stopped by the day before, say hi. One takes a picture, and Lloyd gives her a free bagel.

8:20 a.m.

Lloyd hands a bag to someone from a local non-profit. He estimates that on an average week, he donates 100 dozen to local charities, including the Flynn Center for the Performing Arts and Resource's YouthBuild.

8:23 a.m.

A police officer arrives for breakfast.

8:24 a.m.

There's a line, and the tables are full. Lloyd won't tell you, but Myer's has been named best bagel shop in Vermont by Epicurious, among others.

Why? It could be because people love Lloyd; he prefers phone orders to web orders because he likes talking to his customers and seeing how they're doing. It could be because he learned from Myer Lewkowicz, one of the Montreal-style originators. It could be because St-Viateur has greatly expanded its bagel production while Myer's is still only made in one bakery, one batch at a time. It could be all three.

8:34 a.m.

The third batch of dough is ready. Lloyd cuts into it and it looks like a sushi chef cutting into a side of tuna.

8:50 a.m.

An ex-Montrealer, who now owns a business in Winooski, greets Lloyd in French. Lloyd later says that the man, Marcel, was his first-ever customer in 1996.

9:00 a.m.

A group of people watch Lloyd roll his bagels. I ask what it's like to always be watched. He says, "I like to talk to people."

9:05 a.m.

Trisha Ubermuth, 25, stands on a milk crate to organize the bagels.

In the past, Lloyd has told the story that she once came in as a child and declared she'd work there one day. It's not true, but Lloyd tells me that bagels are, in fact, a family business.

His sister, mother and nephew still work at St-Viateur. His daughter works for his cousin who runs his own bagel shop, Brossard Bagel, just outside of Montreal.

9:07 a.m.

Lloyd gives a free, hot poppy seed bagel to Marcel, knowing it's his favorite.

9:31 a.m.

The rush slows. Everyone works at the same pace.

10:31 a.m.

Lloyd finally leaves, but he's not done. Ahead of him, he's got over four hours of driving through Northern Vermont with seven bagel drop-offs on the way. He doesn't dread it though, it's a pretty drive. And, "I love getting out and meeting people."

He's got another bagel in hand for lunch. "My car is covered in sesame seeds," he says.

7:15 p.m.

He finally gets home after only stopping for a break at Picasso in Stowe. He's used to long drives.

When he first opened Myer's in 1996, he commuted from Montreal, leaving at midnight every "morning." He got his green card in 1997. After three years of the 100-mile commute, and a car accident caused by sleeping at the wheel, he moved to Vermont. He then worked 15-hour days, seven days a week for seven years.

"I've never worked less than 65 hours a week," he says.

He's barely gotten outside of Vermont and Montreal because of the schedule. Now, fortunately, he gets a day off on the weekend. He's recently been to both Connecticut and Boston.

He hopes one day to retire in Nova Scotia. But, first, he's going to open a new take-and-bake bagel business with his friend Sid Berkson in Enosburg Falls.

And, he's still got a bakery to run.

9:30 p.m.

He drinks chamomile tea and falls asleep, again, to hockey. The next morning, he wakes up without an alarm at 1:15 a.m. It's Saturday, and there will be twice as many customers. He looks forward to meeting them.

TRIBUTE TO JOHN J. SULLIVAN

Mr. LEAHY, Mr. President, earlier this month, Marcelle and I, with Marcelle's brother, Claude Pomerleau, attended the Kennedy Center Honors Dinner at the State Department. We were moved by Deputy Secretary of State John J. Sullivan's remarks, which touched on his deep admiration for foreign service and his great appreciation of American arts and culture. I wanted to share with the Senate his remarks, which were filled with historical references and bits of humor.

I ask unanimous consent that Deputy Secretary of State Sullivan's remarks be printed in the RECORD.

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

CENTER DEPUTY SECRETARY OF STATE JOHN J. SULLIVAN

REMARKS AT THE 2018 KENNEDY CENTER HONORS

DECEMBER 2, 2018, WASHINGTON, D.C.

DEPUTY SECRETARY SULLIVAN: Good evening. It's an honor for my wife, Grace Rodriguez, and me to welcome you to the Department of State. Secretary Pompeo asked that I extend his sincere regrets he's unable to be with us tonight because of his travel to Buenos Aires for the G20 summit. It's a real privilege to be asked to stand in for the Secretary of State at a very special event like this. Deputy secretaries are usually delegated humbler duties.

I'd like to begin by thanking Kennedy Center Chairman David Rubenstein, Kennedy

Center President Deborah Rutter, Event Chair Suzanne Niedland for their service and leadership. And thanks to all of you in attendance tonight for coming to honor the esteemed recipients of this year's Kennedy Center Honor.

Gathered as we are in the Department of State, I must note with a heavy heart the passing last night in Texas of President George H.W. Bush, my former boss many years ago. President Bush cherished this place and this institution. He was, of course, the U.S. permanent representative in the United Nations in the early 1970s, and later our first representative to the People's Republic of China. And since we're gathered in the Benjamin Franklin Room, I also note that President Bush shares a distinction with Franklin: They both served as our nation's representative to a vitally important country but without holding the title of ambassador. 1974, when President Bush was named the chief of our liaison office in Beijing, the United States did not have diplomatic relations with China. Two hundred years before, when Franklin was sent on a commission to France and then appointed our minister in Paris, the Court of Versailles would not accept an ambassador from a self-declared republic like ours. Only sovereign monarchs exchanged ambassadors until well into the 19th century.

I've thought a lot about Franklin during my service as deputy secretary of state. We host many special historic events here in the Benjamin Franklin Room, including a luncheon earlier this year for President Macron of France during his state visit to the United States, and I'm often asked to provide remarks. The speechwriters who prepared a first draft appropriately note the venue, and refer to Franklin as the first American diplomat, our minister to France. But they also inevitably described him as, quote, "the father of the Foreign Service." And that's always struck me as a stale, patriarchal language unsuited for the 21st century, and unlikely to inspire young Foreign Service officers. But my effort to craft an alternative that would motivate a new generation to careers in American diplomacy—those efforts have failed recently. I spoke to a group of eminent retired U.S. diplomats here in this room; they were confused and appalled when I referred to Franklin as the original gangster of the Foreign Service. (Laughter.)

So I've shifted my thinking to alternatives to enliven the way we convey the remarkable life of Franklin. I had the idea of bringing Franklin's story to life on the stage, perhaps even a musical. (Laughter.) Who would want to see that? Imagine, a musical about one of America's founding fathers. (Laughter.) You laugh, but in fact, there was a Broadway musical about Franklin, Ben Franklin in Paris, staged in 1964, and it faded quickly into obscurity. (Laughter.)

But I'm serious about promoting and honoring America's diplomats past and present, whether it's Franklin, President Bush, or our current friends and colleagues at this department who are working to promote and protect America's interests, America's values, and American citizens at hundreds of posts, embassies, consulates, and missions around the world, many in dangerous and difficult circumstances. Their work is made easier by the worldwide popularity—indeed, the pervasive influence—of the best of American arts and culture, which is what we're here to celebrate tonight.

It is through the arts that we, the American people, tell our story. We express the richness of our culture and artistry when we export it to the rest of the world. And the impact cannot be overstated. Music, theater, cinema—every medium we celebrate tonight (inaudible) United States shows to the world

who we are. The work of the American artists gathered here in this room is a powerful form of diplomacy. Your influence is felt around the world.

The Kennedy Center Honors program recognizes these exceptional artists who have contributed so much to our culture and our world. The program is in its 41st year, and its honorees include some of the most iconic figures in the arts. This year's honorees certainly fall squarely into that category.

Cher, our first honoree, needs no introduction. She's commonly referred to as the, quote, "goddess of pop," unquote, and I tested that assertion with a Google search, whose results showed that to be true. (Laughter.) But I use the word "commonly" with a purpose, because that is too common a title for such an extraordinary talent and person. She's achieved towering success in music, on television, on stage, and in films. The accolades included here are too many to name. Her voice and her music—"I Got You Babe," "If I Could Turn Back Time," "Believe"—I could go on, to name just a few—those songs are loved worldwide and have made her a global superstar and a household name.

Composer and pianist Philip Glass is our second honoree. He's no stranger to State Department programs and proudly represented the United States as a Fulbright Scholar in Paris in the 1960s. Since then, Mr. Glass has only gone on to compose more than 25 operas, 10 symphonies, as well as concertos, film soundtracks, and countless other works. Truly in a league of his own, he's the recipient of the U.S. National Medal of the Arts, and next month the Los Angeles Philharmonic will present the world premiere of his 12th symphony.

Our third honoree is another legend, Reba McEntire. And I am not ashamed to say as a humble bureaucrat, I can't believe I got to shake Reba McEntire's hand. (Laughter.) I'm telling you, it's unbelievable. Thank you, Mike Pompeo. (Laughter.) Her songs—"Fancy," "Is There Life Out There," "I'm a Survivor"—have given her worldwide fame. She's recorded 25 number-one singles and sold over 56 million albums. But she's achieved great success in other fields, including on television and in movies. All you have to do is say her first name, and the world knows exactly who you're talking about.

Wayne Shorter, the famous jazz saxophonist and composer is next. He deservedly has been called—and again, I quote—a genius, trailblazer, a visionary, and one of the world's greatest composers. He's played with Miles Davis, Joni Mitchell, Steely Dan, Carlos Santana—the list goes on. He's won 11 Grammy Awards, including a lifetime achievement award, but admirably, he does not rest on his laurels. He's now working on his first album.

Finally, we honor the co-creators of Hamilton, and I hope they will consider my suggestion of Franklin: An American Musical. I'm just saying, Hamilton's secretary of treasury; versus the secretary of state. (Laughter.) Just think about that. These individuals—Lin-Manuel Miranda, Thomas Kail, Andy Blankenbuehler, and Alex Lacamoire—together they wrote, acted in, directed, choreographed, and arranged what has become the best known, groundbreaking stage production of our time. They are trailblazers who have created art that defies categorization, breaks down barriers, and brings American history to life.

My youngest son, Teddy, is a senior at Hamilton College and among the show's biggest fans. He likes to wear his college sweatshirt around Miami—excuse me, around Manhattan—and engage the tourists who ask where do they paraphernalia like

that from the show. (Laughter.) He patiently explains to them the merits of college, the musical, and being at the center of both.

Now, I know I'm standing in the way of your dinner, so I will conclude with an acknowledgement of a prior Kennedy Center honoree—and I kind of slipped this before when I said Miami instead of Manhattan—and that's because we're joined tonight by Gloria Estefan. Welcome back. (Applause.) My wife Grace and the Rodriguez family are delighted to see whom we consider the first lady of Cuban Americans here tonight.

Thank you, again, on behalf of the Department of State, for allowing us to be part of this celebration to pay tribute to the lifetime contributions of the remarkable women and men we honor tonight. Please enjoy your dinner. Thanks. (Applause.)

TRIBUTE TO ENID WONNACOTT

Mr. LEAHY. Mr. President, a remarkable Vermonter has reached a remarkable milestone. Enid Wonnacott of Huntington, VT, deserves our thanks for and recognition of her more than 30 years of agricultural leadership in Vermont and the Nation.

Enid has led the Northeast Organic Farming Association of Vermont, NOFA-VT, since 1987. Her early leadership of NOFA coincided with my chairmanship of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry. Enid was a constant source of counsel to me about the importance and unlimited potential of organic agriculture for Vermont and the Nation, and she was a strong advocate and adviser as I worked to make the National Organic Standards Act a part of the 1990 farm bill. This is the law that authorized the national organic standards and labeling program, ushering in the remarkable and still-burgeoning growth of America's thriving organic sector.

Since that time, Vermont continues to be a leader in our country's now \$60 billion annual organic industry. To this day, I continue to look to Enid for advice on organic agriculture and nutrition issues. Enid Wonnacott's many accomplishments are presented in a profile published in "Seven Days" in Vermont on October 30, 2018. I ask unanimous consent for the profile to be printed in the RECORD.

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

[Seven Days Vermont, October 30, 2018]

LONGTIME ORGANICAG LEADER ENID
WONNACOTT STEPS DOWN
(By Melissa Pasanen)

Enid Wonnacott has tallied many accomplishments over 30-plus years as executive director of the Northeast Organic Farming Association of Vermont. In 1987, her 10-hour-per-week job came with one filing cabinet and a milk crate filled with paperwork. Since then, Wonnacott has built the nonprofit into a 20-person team supported by a \$2.8 million budget. NOFA-VT has had an impact not only on Vermont agriculture but nationwide.

Wonnacott started at the association the same year that Sen. Patrick Leahy (D-Vt.) became chair of the Senate agriculture committee. The two worked closely on devel-

oping the National Organic Program, which eventually led to the creation of the U.S. Department of Agriculture organic seal in 2002.

"Enid has been one of the most effective advocates for organic agriculture in the entire country," Leahy told Seven Days via email, acknowledging that the road was long and that challenges continue. "Through all of this, as a leader, Enid has been patient but persistent and always a clear-eyed problem solver. I have often looked for Enid's help on difficult policy challenges," Leahy added, "and she has never been reluctant to let me know exactly what needs doing to support and strengthen organic agriculture."

"This is recognition of her role as guardian and voice of the organic movement," Ross said. "It also recognizes the evolution of organic as a significant and meaningful part of our economy in Vermont and the economy nationally."

Under Wonnacott's guidance, NOFA-VT has become the go-to resource for organic farmers and gardeners, agricultural advocates, and locavores for everything from technical production assistance to comprehensive lists of farmers markets and CSAs. There were fewer than 50 organic producers in 1987; now NOFA-VT certifies more than 700. Its robust farm-to-school partnership, subsidized farm shares and other efforts work to broaden access to local and organic food.

The nonprofit's mobile pizza oven, though, is probably the most vivid symbol of Wonnacott's unique contributions: She embodies the warm heart of Vermont's organic agriculture movement, pulling community together around organic food and the farmers who produce it.

"I love that whole program and initiative as much as anything we do," Wonnacott said, after smoothly maneuvering the oven into Burlington's Intervale on a September afternoon. Later that day, she headed up a team of volunteers and Intervale Center employees to bake pizzas for an event, hands in the dough, laughing and hugging longtime friends who stopped by.

Launched in 2006, the portable pizza oven fulfilled a vision Wonnacott had for gathering people around food in a way that fostered connection and conversation. "I'm passionate about community building," she explained. "I think people need and seek community."

Particularly in the early days, freshly baked pizza helped raise NOFA-VT's profile with consumers and farmers. The copper-domed, wood-fired oven on a trailer has logged thousands of miles and produced thousands of pizzas at events such as farmers markets and young-farmer socials.

Since Wonnacott's cancer diagnosis in 2014, working the oven has also provided a personal benefit. "It's such a physical, present thing to do, especially when you have chemo brain," she said. "To get out and see people is a really healthy thing for me."

People who have worked with Wonnacott say her positive energy and balanced approach have been both anchor and beacon through the hard work of building a movement.

Mara Hearst, now a sheep farmer in Dorset, was 19 when she first met Wonnacott, who invited her to become a student representative on the NOFA-VT board. Hearst said Wonnacott's consistent message as a leader and mentor has been: "We need to make change, and there's a shitload to do, but let's take time to be a community together."

"After hours, she's the first one to turn on the music and get everyone dancing," said NOFA-NY board member Elizabeth Henderson. When she was founding president of NOFA-Mass., Henderson was on the com-

mittee that originally hired Wonnacott for the Vermont chapter. "It's one of the things I'm proudest of," she said.

The agricultural landscape has changed dramatically since Wonnacott became the nonprofit's third executive director at age 26, fresh out of graduate school.

According to the Organic Trade Association, organic food sales in the U.S. hit \$45.2 billion in 2017 and accounted for 5.5 percent of all food sold. Twenty years ago, OTA's first published sales figure was \$3.4 billion.

The USDA National Organic Program helped propel growth. However, its integrity has been questioned over the past couple of years based on media coverage of probable standards noncompliance by large organic dairy and egg operations. Investigation also revealed that some organic imports were receiving fraudulent certifications. Then the USDA withdrew approved, strengthened organic animal-welfare standards, though they had not yet been enforced.

After her initial diagnosis but before her cancer spread, Wonnacott had planned to retire in 2021, when NOFA-VT will turn 50. "But it's also a good time now," she said. "I recognize there are a lot of changes to the organic industry, challenges to organic integrity. I think there's a need for really strong leadership, someone who has the energy I had when I started." After a pause she added, "I don't have the fight anymore, just my love and appreciation for this movement. I want it to be shepherded by somebody with a lot of health and energy right now."

Wonnacott's deep passion for agriculture was seeded while growing up on her family's Weybridge homestead. Her mother was dean of students at Middlebury College. Her father died of cancer when Wonnacott, the youngest of three sisters, was 16. She spent a lot of time on a neighboring dairy farm, showed livestock at the fair and worked with a large animal veterinarian.

At St. Lawrence University in New York State, Wonnacott studied biology and chemistry and first learned about organic agriculture. She relief-milked for a nearby organic dairy and read Wendell Berry's 1977 classic, *The Unsettling of America: Culture & Agriculture*. "You know when you read a book and you're like, Oh, my God. This is what's in my head," she recalled.

During a semester in Kenya, Wonnacott learned how to treat cobra bites and hand-milk a 70-cow herd. Kenyan agriculture was organic "by default," she said. "There was money to supply inputs, but no one knew what to do with them. I saw huge piles of imported chemical fertilizer next to broken-down tractors." As graduation neared, Wonnacott applied to veterinary school and, at her mother's suggestion, for a yearlong Thomas J. Watson Fellowship to study alternative agriculture. "My mom was a really strong role model as far as 'women can do anything,'" Wonnacott said. "She supported what was in my heart."

She won the fellowship and worked on organic farms in New Zealand, Nepal, Norway and England; the experience was pivotal. "It was an agricultural system that made common sense to me, a culture of preventative management and health for the soil, the plants and the animals," Wonnacott said. "I wanted to know, Why does the world not farm this way?"

Back in the U.S., she taught biology and environmental education and became an organic certification inspector before pursuing graduate studies at UVM. "I had to figure out why the world works the way it does," she said. "How does our agriculture policy influence other countries? How do supply, demand and financial systems work?" For her thesis, Wonnacott interviewed organic farmers about the role of policy in effecting

change. "In the end, I felt like it's all about grassroots—that was where change was going to come from," she said.

When Wonnacott landed the job at NOFA-VT shortly after finishing school, she built on her thesis contacts to launch that grassroots effort. In the mid-'80s, Wonnacott recalled, "organic was really the underground." Farmers told her they didn't label produce organic because customers would assume it had worms. "People thought it was just hippies playing around," she said. "It wasn't respected."

Her goal, Wonnacott said, was to raise the status of the movement and provide support to farmers in the pre-internet age. She also prioritized developing a farmer-driven organic certification program with lengthy discussions to hash out standards. "For me, fascinated by movement building, by how groups make decisions, these were really amazing meetings," Wonnacott said.

Jack Lazor of Butterworks Farm in Westfield met Wonnacott when she was a graduate student and worked helping to deliver the farm's yogurt to stores. He was part of the first community forum she later led in her new NOFA-VT role. "She did it all at the beginning," Lazor said. "She built this thing up through goodwill and positive forces. She's a force, but a gentle force." At the time, organic standards were not consistent state to state, and Wonnacott soon found herself at the center of a sea change.

Organic was growing rapidly, she recalled: "Sen. Leahy came to me. There was a lot of interest from California to create a level playing field for interstate trade. He wanted to know, 'What does Vermont think of this?'" Wonnacott and other organic pioneers were both nervous and hopeful about federal involvement. "It's hard when you've been an underdog not to be totally wowed by the attention and money for research and organic support," she said. It soon became clear, she said, that a national organic program "was going to move forward with or without us and we had to put our energy into making it the best it could be."

Pragmatism is a Wonnacott hallmark, according to Megan Camp, vice president and program director at Shelburne Farms. The two women served together on a statewide council alongside diverse agriculture community representatives. Tension would occasionally arise, Camp acknowledged: "Some people would pound the table, point fingers. Enid would make the same argument firmly, but always listening, able to hear multiple perspectives."

Wonnacott believes strongly that it doesn't help to label types of farming as "good" or "bad." But she recognizes that her approach has disappointed some. "We're a really inclusive organization, and that's been really important to me," she said. "We want to move all farmers along the sustainability spectrum, never be organic elitist, never say this is the only way you can farm. 'It's been a conflict for some staff and some board members over the years, absolutely,'" Wonnacott continued.

This was particularly evident when the local food movement gathered momentum, sometimes at the expense of organic. "Our tagline has been, 'Certified organic, locally grown'—you don't have to choose," she said. But in practice, consumers and farmers set their own priorities. For example, Wonnacott explained, if one local farmer sells eggs from free-range hens but also feeds them GMO grain and customers think that's good enough, how can the local organic farmer charge the premium price that's needed to cover expensive, non-GMO grain?

Wonnacott is playing the long game. She believes that collaboration and mutual support are critical to sustaining agriculture in

Vermont and nudging more farmers toward organic practices. "I believe we can be both a movement builder and a bridge builder," she said. "It's allowed us to be at the table for a lot of really important conversations, and I think it was pivotal in my hall of fame award."

Andy Jones, manager of Burlington's Intervale Community Farm and former NOFA-VT board president, believes "the big tent" has served the agricultural community well. Early on, he noted, Wonnacott saw the benefit of offering technical assistance to conventional dairies that were exploring a transition to organic. She recognized that farm-to-school programs could provide markets for local and organic farmers and also teach new generations to appreciate the food. "She always wanted to build the answer 'to any problem, said Jones. She sought 'ways to build the ag community, the rural community. She knows Vermont is stronger when everyone is successful.'"

Wonnacott understands that her successor will face challenges. NOFA-VT membership is stagnant at about 1,200 members, and this year's winter conference attendance was down across NOFA state chapters. The USDA organic integrity issues have provoked fractures within the organic community, along with public confusion and distrust. "I fear for the future of organic, the splintering that's taking place," she admitted.

Wonnacott is also concerned that new farmers don't see a need to be certified, noting that Vermont is about to see a huge land shift and transition between generations. "I really want beginning farmers to feel there's value in this movement," she said. "We need a really strong beginning-farmer wave to replace the pioneering farmers."

It's fitting in some ways that Wonnacott is navigating a transition while also helping many of the farmers with whom she started her career navigate their own. She has co-facilitated two meetings with the old guard. "It's like deep therapy for all of us," she said with a chuckle. "These are the farmers who really inspired me. I wanted to do everything I could to make their farms and their lives successful. That drive has carried me through, and I could have done it for another 30 years."

After she steps down in the spring, Wonnacott will stay involved in other ways. She's training to become an organic inspector and will do that part time. She will also help out during the pizza-oven season. But mostly, Wonnacott will focus on her health, her family—husband Harry Frank and their two grown children—and their Huntington homestead.

It's no surprise, though, that Wonnacott has not stopped dreaming up new, creative ways to support her passions. "One of my favorite things to do is long-distance walking," she said, explaining that she has solo-walked trails around the world, most recently Ireland's Dingle Way. Wonnacott envisions a statewide farm-to-farm walk to raise awareness of organic agriculture and community. The Vermont walk would not be a solo endeavor, however. With her signature warm smile Wonnacott said, "I have a great vision of hundreds of people joining me to walk for the cause."

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale

may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD at this point the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 18-17, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Turkey for defense articles and services estimated to cost \$3.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.
Enclosures.

TRANSMITTAL NO. 18-17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Turkey.

(ii) Total Estimated Value:
Major Defense Equipment* \$1.9 billion
Other \$1.6 billion
Total \$3.5 billion

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):
Four (4) AN/MPQ-65 Radar Sets.

Four (4) AN/MSQ-132 Engagement Control Stations.

Ten (10) Antenna Mast Groups.

Twenty (20) M903 Launching Stations.

Eighty (80) Patriot MIM-104E Guidance Enhanced Missile (GEM-T) with canisters.

Sixty (60) Patriot Advanced Capability-3 (PAC-3) Missile Segment Enhancement (MSE) Missiles.

Five (5) Electrical Power Plants (EPP) III.

Non-MDE includes: Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support.

(iv) Military Department: Army.

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: December 18, 2018.

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Turkey—Patriot Missile System and Related Support and Equipment

Turkey has requested the possible sale of four (4) AN/MPQ-65 Radar Sets, four (4) Engagement Control Stations, ten (10) Antenna Mast Groups (AMGs), twenty (20) M903 Launching Stations, eighty (80) Patriot MIM-104E Guidance Enhanced Missiles (GEM-T) missiles with canisters, sixty (60) PAC-3 Missile Segment Enhancement (MSE) missiles, and five (5) Electrical Power Plant (EPP) III. Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support. The total estimated program cost is \$3.5 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the security of a key NATO Ally on the front lines of the fight against terrorism. Turkey is a member of and critical enabling platform for the Defeat-ISIS campaign and continues to be an essential element of our National Security Strategy and National Defense Strategy efforts to compete against great powers in both Europe and the Middle East. The TPY-2 radar site that Turkey hosts is important to the European Phased Adaptive Approach and to efforts to protect Allies and partners against growing Iranian ballistic missile threats. This sale is consistent with U.S. initiatives to provide key allies with modern systems capable of being networked to defend against regional instability. The proposed sale will enhance Turkey's interoperability with the United States and NATO, making it a more valuable partner in an increasingly important area of the world.

Turkey will use Patriot to improve its missile defense capability, defend its territorial integrity, and deter regional threats. The proposed sale will increase the defensive capabilities of the Turkey military to guard against hostile aggression and shield NATO Allies who might train and operate within Turkey's borders. Turkey should have no difficulty absorbing this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Raytheon Corporation in Andover, Massachusetts, and Lockheed-Martin in Dallas, Texas. The purchaser requested offsets. At this time offset agreements are undetermined and will be defined in negotiations between the purchaser and contractors.

Implementation of this proposed sale will require approximately 25 U.S. Government and 40 contractor representatives to travel to Turkey for an extended period for equipment de-processing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 18-17

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Patriot Air Defense System contains classified CONFIDENTIAL hardware components, SECRET tactical software and CRITICAL/SENSITIVE technology. Patriot ground support equipment and Patriot missile hardware contain CONFIDENTIAL components and the associated launcher hardware is UNCLASSIFIED. The items requested represent significant technological advances for Sweden Patriot. The Patriot Air Defense System continues to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The Patriot sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. The list of components is classified CONFIDENTIAL.

3. Information on system performance capabilities, effectiveness, survivability, missile seeker capabilities, select software/software documentation and test data are classified up to and including SECRET.

4. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Turkey can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed in this transmittal have been authorized for release and export to Turkey.

CERTIFICATION PURSUANT TO § 620C(D) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163 and State Department Delegation of Authority No. 293-2, I hereby certify that the furnishing to Turkey of four Patriot systems is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation.

ANDREA THOMPSON,
Under Secretary of State.

CONFIRMATION OF JOSEPH MAGUIRE

Mr. WARNER. Mr. President, I wholeheartedly support the nomination of VADM Joseph Maguire to be the Director of the National Counterterrorism Center, NCTC. Had I been able to cast my vote today, it would have been to support this exceptional nominee.

The Director of the NCTC is one of the most important positions in the intelligence community, especially at

this critical juncture in our Nation's history. Admiral Maguire has a long and impressive record of achievement and of service to his country, and I applaud his willingness to once again return to public service after completing a Navy career that spanned 36 years, including as the commander of Naval Special Warfare Command.

The National Counterterrorism Center is the U.S. intelligence community's premier organization for tracking and countering the continuing threat from terrorism. Our country still has men and women on the frontlines in the fight against extremist groups, and they must get it right each hour of every day to ensure the safety and security of their fellow Americans.

As Admiral Maguire and I have discussed, our counterterrorism capabilities are greatly strengthened by our relationships with the allies and partners with whom we have fought shoulder-to-shoulder since September 11, 2001, in this struggle. This is why it is important for the United States to hold onto and strengthen our traditional alliances such as NATO—and not to heedlessly undermine them.

I am satisfied by the ironclad commitments Admiral Maguire gave to the Senate Intelligence Committee during his confirmation hearing to ensuring that the men and women serving under him will always be empowered to assess and analyze intelligence free from political interference. He has also committed to present these assessments to those in leadership positions free of any political considerations. In short, he has committed to “speak truth to power,” and I expect him to live up to these commitments.

This is especially important at a time when we have sometimes seen those in power unjustifiably belittle and denigrate our Intelligence Community and law enforcement agencies.

I trust that Admiral Maguire and those he leads at the NCTC will continue to selflessly work day and night—whether on the 24/7 watch floor or on the front lines, to protect the United States and our allies from the terrorist threat. I salute him for stepping up to this challenging task.

STRENGTHENING COASTAL COMMUNITIES ACT OF 2018

Mr. BARRASSO. Mr. President, today the Senate passed H.R. 5787, the Strengthening Coastal Communities Act of 2018, by unanimous consent. This legislation adds new acres to the Coastal Barrier Resources System, which Congress established through bipartisan legislation in 1982.

I yield to my distinguished colleague, the Senator from Delaware, ranking member of the Environment and Public Works Committee.

Mr. CARPER. Mr. President, I thank my distinguished colleague, the Senator from Wyoming, chairman of the Environment and Public Works Committee. The Coastal Barrier Resources

Act is an important, free-market conservation tool that does not regulate how people develop their land, but transfers the full cost of developing in risky, environmentally sensitive areas from taxpayers to the individual choosing to develop. The Coastal Barrier Resources System also provides much-needed habitat for our Nation's treasured wildlife, including federally threatened Red Knot birds in Delaware.

H.R. 5787 adds approximately 18,000 acres along the Delaware, North Carolina, South Carolina, and Florida coasts to the Coastal Barrier Resources System, protecting these barrier islands, beaches, wetlands, and aquatic habitat from federally funded development.

H.R. 5787 also corrects an error that placed part of Bethany Beach, in my great State of Delaware, within the Coastal Barrier Resources System. The U.S. Fish and Wildlife Service discovered this error during a Coastal Barrier Resources System digital mapping pilot project, which Congress directed the U.S. Fish and Wildlife Service to undertake in 2000.

Digital mapping has enabled the U.S. Fish and Wildlife Service to greatly improve mapping accuracy as the Service updates outdated maps and makes determinations about whether properties fall inside or outside the Coastal Barrier Resources System. However, as our colleagues in the U.S. House of Representatives drafted H.R. 5787, concerns arose regarding the security and permanency of digital maps.

To address these concerns, the U.S. House of Representatives included section 3 in H.R. 5787. However, this legislation is not intended to prevent the U.S. Fish and Wildlife Service from using various digital tools, digital data, and digital maps to help implement the Coastal Barrier Resources Act.

I would ask if my distinguished colleague, the Senator from Wyoming, chairman of the Environment and Public Works Committee, could confirm my understanding about the use of digital maps under H.R. 5787?

Mr. BARRASSO. Mr. President, the Senator from Delaware is correct about this use of digital maps. Under H.R. 5787, Congress does not intend to prevent the use of these tools or data to assist in the implementation of the Coastal Barrier Resources Act. Congress intends to ensure the integrity of the system maps and the rule of law. Congress intends that the U.S. Fish and Wildlife Service be permitted to continue to make determinations as to whether a location is inside or outside of the Coastal Barrier Resources System with the assistance of Geographic Information Systems and any digital boundary data that were used to create the Coastal Barrier Resources System maps.

In cases where properties or project sites are located close to a system boundary, due to the scale of the official maps or age of the underlying base

maps, the assistance of various digital tools and data may be needed in order to ensure that the U.S. Fish and Wildlife Service makes accurate determinations. Congress intends that those determinations are based on a printed, hard copy version of an applicable digital map.

Mr. CARPER. Mr. President, I thank my colleague for his confirmation of my understanding. In conclusion, I also want to thank my colleague for working with me and all of our colleagues to enact this bipartisan legislation into law. During a time of frequent partisan gridlock, I am proud of the work of the U.S. Senate Committee on Environment and Public Works for shepherding agreement on many important issues, including this one.

Thank you.

TRIBUTE TO ORRIN HATCH

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague Senator ORRIN HATCH and his more than 40 years of public service. Only five U.S. Senators have served longer than Senator HATCH, and he is one of the few who have served as President Pro Tempore of the Senate, an honor given to the longest serving Member of the majority party. Some may not know this, but ORRIN HATCH was born and raised in Pittsburgh, PA. He attended the University of Pittsburgh Law School and practiced law in the city before moving to Utah years before his election to the Senate.

Senator HATCH has too many legislative accomplishments to list, but I will focus on one that is so important to our family, the Children's Health Insurance Program. Nelson Mandela once said, "There can be no keener revelation of a society's soul than the way in which it treats its children." The Children's Health Insurance program, known by the acronym CHIP, is a prime example of when our Nation took an important step forward to care for our children. Senator HATCH worked with our former colleague Senator Ted Kennedy and others to ensure that children from low-income families who were not eligible for Medicaid had access to healthcare. CHIP holds a special place in my heart as well because my father, Governor Robert P. Casey, signed into law one of the first children's health insurance programs in the Nation in 1992. Pennsylvania's CHIP served as the model for the national program that today provides healthcare to nearly 10 million children.

We will miss Senator HATCH here, but he leaves the Senate knowing that his work has positively impacted the lives of millions of Americans. We wish Senator ORRIN HATCH well as he returns to Utah.

TRIBUTE TO BILL NELSON

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague,

Senator BILL NELSON, who will leave the Senate after 18 years of service in the Senate and over 40 years as a public official in the State of Florida.

Abigail Adams once asked, "If we do not lay out ourselves in the service of mankind whom should we serve?" Throughout his career, Senator NELSON worked to make life better for the people of Florida and the United States.

Florida and Pennsylvania share a distinction in having among the largest percentage of seniors in their States and therefore millions of Medicare beneficiaries. Through his work on the Finance Committee, Senator NELSON pushed to guarantee that Medicare provided quality care to our seniors and people with disabilities. Senator NELSON worked every day to ensure that our government kept the original promise President Johnson made in 1965 to guarantee quality, affordable healthcare for beneficiaries.

Florida has a coastline of 1,350 miles, and BILL NELSON understood that the beaches and the oceans needed to be protected from offshore drilling and pollution. Current and future generations of Floridians and others who visit the State will enjoy the benefits of Senator NELSON's work in fighting to maintain and enhance those protections.

Senator NELSON has also been a leader in the areas of science and space. As a former astronaut who journeyed into space in 1986 on the space shuttle *Columbia*, Senator NELSON understood the importance of exploration and discovery and never stopped imagining what is possible.

We will miss Senator NELSON in this Chamber, and we thank him for his decades of service on behalf of the people of Florida and our Nation. We have no doubt that he will continue to find ways to make a difference and serve our country in the years ahead.

TRIBUTE TO JEFF FLAKE

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague, Senator JEFF FLAKE. First in the House of Representatives and later in the U.S. Senate, JEFF FLAKE has served the people of Arizona and the Nation for over 15 years.

Senator FLAKE has a strong record of supporting democracy at home and abroad, finding areas of compromise on difficult issues like immigration reform and making sure our Nation keeps its promise to veterans. Senator FLAKE has been a leader on immigration reform efforts, and he has worked tirelessly to find a path forward to address the needs of our immigration system. In 2013, Senator FLAKE was one of the lead authors of bipartisan immigration reform legislation that would have modernized our immigration system, secured our borders, and provided a tough but fair path to citizenship for undocumented immigrants in our country. Through his position in the Senate Committee on Foreign Relations, Senator FLAKE has advocated for policies

that promote democracy, economic growth, and quality of life improvements for people around the world. Here at home, Senator FLAKE has helped veterans in Arizona receive assistance and recognition from the Federal Government.

In recent years, JEFF FLAKE has been a leading voice in speaking up for the institution of the Senate and its role as part of a coequal branch of government with the executive branch. He has sought to hold Presidents of both parties accountable as a Member of the Senate.

We will miss Senator FLAKE in the Senate next year, but I have no doubt that he will continue to find ways to serve his State and our Nation in the years ahead. We wish him well in that endeavor.

TRIBUTE TO BOB CORKER

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague Senator BOB CORKER, who will be retiring from the Senate this year. Senator CORKER and I were both elected in 2006. He was the only Republican in a class of 10 new Senators.

Through his years of service on the Foreign Relations Committee, most recently as its chairman, BOB CORKER worked to build a better world. For example, Senator CORKER worked with me and several of his Republican colleagues on global food security. Senator CORKER worked with Senator ISAKSON and me to pass the Global Food Security Act in 2016. This bill, first introduced by Senator Lugar of Indiana in 2008, allowed us to take a more strategic approach to foreign assistance and how we help to combat poverty and hunger around the world. Senator CORKER's work played an important role in creating a better future for millions around the world.

As he retires from the Senate, we thank BOB CORKER for his years of service and his commitment to the idea that America should be a force for good in the world.

TRIBUTE TO CLAIRE MCCASKILL

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague, CLAIRE MCCASKILL. CLAIRE and I came to the Senate together in January 2007, and she has served the people of Missouri and the United States with distinction for the past 12 years.

Former Supreme Court Justice Louis Brandeis once remarked, "Sunlight is said to be the best of disinfectants." When I consider CLAIRE's service and her work on both the Special Committee on Aging and the Homeland Security and Government Affairs Committee, I am reminded of Justice Brandeis's words. Senator MCCASKILL was tireless in her efforts to shed light on policies and practices that hurt seniors, veterans, and the vulnerable in our Nation.

For example, Senator MCCASKILL has been a strong advocate of empowering

veterans, giving them a voice, and holding the VA accountable through the Veterans' Customer Satisfaction Program she designed. This program allows veterans to provide anonymous feedback on their healthcare treatment at VA facilities across the country.

Senator MCCASKILL has also been a champion for seniors. She used her position on the Special Committee on Aging to investigate fraudulent Medicare bills and an IRS-impersonation scheme to ensure seniors have access to quality healthcare and a financially stable retirement. I had the honor of succeeding her as ranking member of the Aging Committee and have worked to continue her focus on protecting seniors from scam artists.

Finally, Senator MCCASKILL's work on the Victims Protection Act of 2014 is a shining example of her commitment to protecting the wellbeing of our servicemembers who have endured the horror of sexual assault in the military. When many in power choose to stand down, CLAIRE stands up for survivors.

The Senate, and especially the class of 2006, will miss Senator CLAIRE MCCASKILL in this Chamber, but I have no doubt that she will find a way to use her extraordinary skills to help those who are powerless.

Thank you, CLAIRE, for your years of public service.

TRIBUTE TO DEAN HELLER

Mr. CASEY. Mr. President, today I wish to speak about my colleague, Senator DEAN HELLER, who will leave the Senate at the end of this year after more than a decade of combined service in the House of Representatives and the Senate.

During this time, DEAN HELLER has worked to guarantee that our veterans have what they need when they return home. As a member of the Veterans Affairs Committee, Senator HELLER worked to increase access to care for veterans and fought to guarantee that the Veterans Administration provides high-quality services across Nevada's widespread rural communities. I worked with Senator HELLER to reduce the VA disability claims backlog and improve accountability at the Veterans Administration.

We thank Senator HELLER for his service in the Senate and know he will continue to find ways to serve the people of Nevada.

TRIBUTE TO JOE DONNELLY

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague, Senator JOE DONNELLY, who will leave the Senate at the end of this year. During his time in the U.S. Senate, Senator DONNELLY has worked tirelessly for our seniors, our servicemembers and middle-class families in Indiana and across our country.

I have had the pleasure of serving beside Senator DONNELLY on the Special

Committee on Aging, where I have witnessed his dedication to protecting the rights of older Americans. Senator DONNELLY has worked to protect Medicare, to guarantee senior citizens' healthcare options are not restricted.

Senator DONNELLY and I also served together on the Senate Committee on Agriculture, Nutrition, and Forestry where he introduced the Federal Water Quality Protection Act to protect the interest of our farmers by requiring the EPA to consult with them to ensure every American has access to clean water.

Senator DONNELLY's dedication to our servicemen and women was second to none. The first bill he introduced as a U.S. Senator, the Sexton Act, has improved mental health services by requiring all Active servicemembers receive a yearly mental health screening.

I will miss working with JOE DONNELLY in the next Congress, but I am certain he will continue to find a way to serve the people of Indiana and our Nation in the years ahead. We wish him well in those endeavors.

TRIBUTE TO HEIDI HEITKAMP

Mr. CASEY. Mr. President, today I wish to pay tribute to my colleague, Senator HEIDI HEITKAMP, who will be leaving the Senate at the end of this year. During her time in the U.S. Senate, HEIDI never failed to remind us that we are blessed to serve here, to help others, and move our Nation forward.

As a member of the Committee on Agriculture, Nutrition, and Forestry, Senator HEITKAMP worked tirelessly on the farm bill, making sure it included provisions such as crop insurance to assure continuity of the quality American agricultural products.

Through her service on the Banking, Housing, and Urban Affairs Committee, Senator HEITKAMP worked across the aisle, delivering bipartisan housing finance legislation that protects Americans from financial crises and preserves 30-year fixed mortgage rates.

Through her work on the Indian Affairs Committee, Senator HEITKAMP has been a champion for Native American and women's rights. She created a commission on Native children to address many of the challenges faced by Native American communities, including access to healthcare and education. In order to combat human trafficking and violence against women, Senator HEITKAMP introduced Savanna's Act to create a platform for data collection and sharing for best-practice response protocols.

Through her work on the Small Business and Entrepreneurship Committee, Senator HEITKAMP promoted investing in small business to boost the American economy. One example is the SEED Act, which she introduced to increase early stage investment to foster the growth of small businesses and startups.

Senators are often described as workhorses or showhorses. Without question, Senator HEITKAMP is a workhorse, and she leaves behind a legacy of accomplishment that will continue to benefit the people of North Dakota and all Americans for many years to come. We thank her for her service, and we wish her well.

FIRST STEP ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that these letters be printed in the RECORD for 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.

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

NATIONAL FRATERNAL ORDER OF POLICE,
Washington, DC, November 9, 2018.

FOP PARTNERS WITH PRESIDENT TRUMP ON
CRIMINAL JUSTICE REFORM

REVISED AND AMENDED FIRST STEP ACT TO BE
INTRODUCED NEXT WEEK

Chuck Canterbury, National President of the Fraternal Order of Police, announced his support today for legislation developed by the Administration to make important reforms to our nation's criminal justice system.

"The President and his team have been working hard on this issue since Inauguration Day," Canterbury said. "From the outset, they let us know they wanted our input because this effort could not succeed without our support. We are proud to announce that by working together with the Administration and leaders on Capitol Hill we have a bill that will make our streets and neighborhoods safer, our police will be better protected and improve the ability of our criminal justice system to effectively rehabilitate offenders."

The legislation, entitled the "First Step Act," would establish a comprehensive risk and needs assessment tool to provide an individual profile of all Federal inmates. Those offenders deemed to be at low risk to recidivate would be given incentives and access to evidence-based recidivist reduction programs to better prepare them to return to their neighborhoods and become productive members of the community.

"By individually targeting those offenders with the lowest risk to re-offend, law enforcement and correctional officers can better focus their resources," Canterbury explained. "The FOP played a key role in making sure that truly dangerous offenders, like those who commit crimes while armed and those who traffic in deadly narcotics like fentanyl, are ineligible to participate in the First Step program."

The legislation also contains certain sentencing reforms. The FOP engaged with our allies on Capitol Hill to make sure these changes are prospective and would not, except in the case of the existing Fair Sentencing Act, be applied retroactively. The bill also contains an FOP-backed provision that would improve the safety of our Federal correctional officers carrying firearms under the auspices of the Law Enforcement Officers' Safety Act.

"We have been proud to be a partner in this effort with President Trump and are grateful for his leadership and for his constant and unwavering support for law enforcement," Canterbury said. "We look forward to working with him and with Congress to get this bill to his desk."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States with more than 345,000 members.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE.

Alexandria, VA, November 11, 2018.

President DONALD J. TRUMP,
The White House,
Washington, DC.

DEAR PRESIDENT TRUMP: On behalf of the International Association of Chiefs of Police (IACP), the world's largest organization of law enforcement executives, I am writing in support of the updated version of the First Step Act. We applaud you and your Administration for your commitment to law enforcement and to making lasting reforms to our criminal justice system.

As you are aware, the IACP was supportive of the originally introduced First Step Act, but did have some feedback on changes that would further enhance the legislation. Your Administration worked with the IACP throughout this process to solicit our feedback and we applaud both you and your Administration for ensuring that this legislation achieves a proper balance of maintaining public safety while providing rehabilitation services and early release incentives to qualified federal prisoners.

The First Step Act contains several measures intended to more effectively rehabilitate prisoners so that they are less likely to reoffend after release and, thereby, are less likely to cause additional harm to society. These measures include education, job training, and other personal development programs, along with incentives, such as good time credits, to participate in these opportunities. The proposed legislation includes an expanded list of 49 convictions that would ensure that truly dangerous offenders are ineligible to receive time credits. In addition, the IACP is also pleased that the revised legislation contains provisions that ensure that certain sentencing reform provisions, unrelated to the Fair Sentencing Act, can only be applied prospectively thereby achieving the proper balance between reform and maintaining public safety.

Once introduced in the Senate, the IACP looks forward to working with Congress to continue to fine tune the legislation. A key item that we would like to see addressed is a notification system that will alert state and local law enforcement agencies and their communities when a rehabilitated offender is released into their jurisdiction. Ensuring proper notification will enable law enforcement and our communities to be aware when a rehabilitated offender returns. Additionally, while the IACP agrees that a portion of the savings associated with the reduction in recidivism resulting from this legislation be invested back into the Bureau of Prisons to continue evidence-based recidivism reduction programs, it is also essential that a portion of the savings be invested back into federal, state, and local law enforcement.

In addition, further enhancements could be made to the safety valve language. Before being eligible for any safety valve provision, it is imperative that all pertinent information and most importantly, information from local authorities be reviewed. The facts and circumstances of the original sentencing, including a review of any prior criminal conduct or any other relevant information from federal, state and local authorities should be considered before a determination is made regarding a reduction in sentence.

Finally, and most importantly, the IACP is pleased with the acknowledgement and commitment from the Administration that there is a true need to establish a National Com-

mission on Law Enforcement and the Administration of Justice (Commission) to examine criminal justice issues in a broader and more strategic fashion. While the First Step Act aims to provide a solution to one of the many issues we are currently facing, it is not the ultimate fix to the multitude of issues confronting the criminal justice system. To move forward in a systematic way that provides cross-cutting solutions for multiple disciplines and issues, we need the Commission to serve as the catalyst for a long overdue strategic blueprint. Again, we appreciate the commitment from the White House to work towards the Commission's establishment, which has been one of the IACP's top priorities for more than two decades.

On behalf of our more than 30,000 members, thank you again for working with the IACP on this important issue. We look forward to continuing to work together as this legislation moves through the process.

Sincerely,

PAUL M. CELL,
IACP President.

NATIONAL ORGANIZATION OF BLACK
LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, November 11, 2018.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Organization of Black Law Enforcement Executives (NOBLE), our Executive Board, local chapters, and members, I am writing to express support for the FIRST STEP Act (S. 2795/H.R. 5682). We applaud the White House and Congress for soliciting feedback from NOBLE and the law enforcement community in finalizing the content of this very important legislation. We feel the FIRST STEP Act strikes a balance between maintaining public safety while improving re-entry, rehabilitation, workforce training programs, and sentencing.

It is NOBLE's hope that this legislation strengthens bi-partisan efforts in reforming this nation's criminal justice system to ensure equity in the administration of justice. Our organization joins many law enforcement leaders in the belief that America can reduce incarceration levels while also reducing crime.

Lastly, we encourage the White House and Congress to continue to explore the establishment of a National Criminal Justice Commission. The purpose of this commission would be to undertake a comprehensive review of the criminal justice system.

We thank all parties who helped in the development of the FIRST STEP Act (S. 2795/H.R. 5682) and look forward to working collaboratively in ensuring equal protection under the law for all Americans.

Sincerely,

VERA BUMPERS,
National President, NOBLE.

November 13, 2018.

Re Police Perspective: FIRST STEP Act (S. 2795) & Sentencing Reform.

Hon. DONALD J. TRUMP,
The White House,
Washington, DC.

DEAR PRESIDENT TRUMP: I write to you today as Executive Director of Law Enforcement Leaders to Reduce Crime & Incarceration, a bipartisan group of more than 200 current and former law enforcement officials.

Today, our nation faces new criminal justice challenges, including a rise in opioid overdoses, an uptick in homicides in some cities, and strained police-community relations. While there is no one-size-fits-all solution, we as leaders in law enforcement feel compelled to share our views on how passing

prison and sentencing reform together is vital to keeping our nation safe.

First, I wanted to share our briefing memo explaining how the FIRST STEP Act and sentencing reform will improve public safety. Americans trust us, as law enforcement officers, to both secure the safety of their communities and advise policymakers on how to advance that goal. We hope this information helps ease any concerns surrounding the bill. Our position is also in line with that of the Fraternal Order of Police, which recently endorsed bipartisan efforts toward justice reform.

Second, I wanted to share our previous letter supporting the FIRST STEP Act and sentencing reform sent to leaders in Congress, explaining the necessity of passing sentencing and prison reform together to reduce recidivism and increase fairness. Over 60 of our members signed onto this letter, writing everywhere from Virginia to New Orleans to Iowa, to share their views. I have expressed similar views in the *The Hill*, with Washington Police Chief Peter Newsham.

We are grateful for your unwavering leadership in prioritizing public safety and the critical issues facing law enforcement. I hope we can work together toward bipartisan reforms.

Respectfully yours,

RONALD SERPAS,
Executive Director, Law Enforcement Leaders to Reduce Crime & Incarceration.

Former Police Superintendent, New Orleans, Louisiana.

Former Police Chief, Nashville, Tennessee.

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
November 13, 2018.

President DONALD J. TRUMP,
*The White House,
Washington, DC.*

DEAR PRESIDENT TRUMP: On behalf of the National District Attorneys Association (NDAA), the largest prosecutor organization in the country representing 2,500 elected and appointed District Attorneys as well as 40,000 Assistant District Attorneys, who collectively prosecute around 95 percent of the crime in the United States, I write to support the revised First Step Act. This legislation is a bipartisan effort to address front-end sentencing reform and back-end prison reform, and our association is appreciative of your efforts to partner with the Nation's prosecutors on this important matter.

NDAA previously supported the Sentencing Reform & Corrections Act (SRCA) during the last Congress as a carefully crafted bipartisan compromise. After weeks of discussions with White House and Senate Judiciary Committee staff, our organization is confident that the revised First Step Act strikes an appropriate balance between addressing the needs of the current Federal prison population while ensuring criminals are penalized appropriately.

Tasked with the constitutional duty of protecting the communities we serve from bad actors while seeking justice for victims of crime and protecting the innocent, our members are acutely aware of the need for reforms to our criminal justice system. As currently written, the revised First Step Act includes much needed prison reform provisions that will provide the Bureau of Prisons (BOP) with the guidance and resources to assist in lowering recidivism rates for low-risk prisoners. Further, the addition of four sentencing reform provisions takes a precision-like approach to sentencing guidelines associated with certain crimes. Absent meaningful sentencing reform, where the truly dangerous are locked up for an appropriate period of time and those with addiction or mental health issues have the chance for

treatment and rehabilitation, rising recidivism rates will continue to persist.

While the legislation makes its way to the Senate, NDAA plans to continue engaging with your staff and law enforcement stakeholders to improve the language in the revised First Step Act. Specifically, our organization is working to ensure any reinvestment of savings generated because of front-end sentencing reform provisions is invested back into state and local law enforcement and prosecutor agencies to prevent crime, target drug trafficking operations, train law enforcement and prosecutors in the field and respond to other emerging issues within the criminal justice system.

Our members continue to call for a new commission to explore issues across the criminal justice system to ensure law enforcement and prosecutors can protect the communities they serve and respond to emerging issues in the field. In partnership with your administration, we hope to make that call a reality. As part of that commission, it is imperative that the local prosecutor perspective is represented as the legal end of the criminal justice system continuum. Without it, a comprehensive review of the broader stakeholder system is incomplete. NDAA looks forward to having one of our members bring the state and local prosecutor's valuable perspective to the table once the commission is established.

We appreciate your efforts, as well as the efforts of a bipartisan group of Members of Congress and staff, to ensure the American criminal justice system is continually improved upon and seen as a model for innovative and cutting-edge programming that we see in our own members' offices every day. Thank you for working with the Nation's prosecutors and NDAA on this historic effort.

Sincerely,

JONATHAN BLODGETT,
President.

Mr. WYDEN. Mr. President, this week, with my support, the Senate passed the FIRST STEP Act of 2018. This is a groundbreaking step toward long overdue criminal justice reform in our country. Too many people have unnecessarily spent decades behind bars for nonviolent offenses or because of disproportionately harsh mandatory minimum sentences. When these individuals are finally released, if ever, they are met with loads of challenges stemming from the lack of rehabilitative help available before and after their release.

The FIRST STEP Act begins to address these issues. It allows for less prison time for nonviolent offenders, reduces harsh mandatory minimums, works to eliminate some racial disparities in sentencing, provides for meaningful education and job-training programs for inmates, and raises the chances that the incarcerated return to society for good. In short, this legislation is an important and overdue course correction from laws that, for years, created and amplified serious inequities in our criminal justice system.

However, the FIRST STEP Act is not perfect. I would like to offer a few thoughts on a particular component of the legislation. This legislation requires that the Attorney General develop what is called an evidence-based risk and needs assessment tool. If all goes right, it will be a data-driven soft-

ware program designed to help incarcerated individuals reintegrate into society upon release. This tool is intended to take into account a person's ability to earn time off their sentence, how likely a person is to reoffend, their most effective treatment plan, access to resources like educational and work programs, and their housing assignment after release.

I am fully in support of fresh ideas. Ones that can help individuals reenter society are important and this bill contains a lot of them. But the fact is, some existing software programs, similar to the one proposed in this legislation, have been plagued by racial and class bias. Inherently biased software and algorithms can harm the vulnerable, especially if they are not deployed and monitored carefully. Oversight is necessary to ensure the FIRST STEP Act reforms, once implemented, do not inadvertently establish a new form of the same old discrimination.

Some safeguards have been put in place to ensure this software is developed without those biases. That includes establishing specific transparency requirements and an independent review committee made up of experts to advise the process. The rest is up to oversight. I am committed to closely monitoring how these reforms are implemented and put into practice. Given the broad support this legislation has on both sides of this body, I am hopeful that Democrats and Republicans alike will be able to work together to ensure it is implemented the right way.

Mr. SULLIVAN. Mr. President, I wish to voice my concern over the passage of the FIRST STEP Act, a bill that would reduce prison sentences for some Federal offenders, and to explain to the public why I did not vote for the bill.

First, I want to say that I agree with some of the provisions of the act.

For too long, we have been putting low-level drug offenders behind bars for exorbitant periods of time, without a focus on rehabilitation. This has ruined lives, irrevocably damaged our communities, and cost the taxpayer dearly.

I support data-driven antirecidivism programs. I support helping people who have served their time to lead productive lives. I support using our prisons as a place to punish violent perpetrators and serious drug offenders.

But this bill simply goes too far for the people of my State. What is happening currently in Alaska should serve as an example of the negative consequences resulting from a far-reaching criminal justice reform bill.

Let me spend a few minutes talking about Alaska's experience with criminal justice reform.

In 2016, then Governor Walker signed into a law a criminal reform bill, known in Alaska as SB91. The bill was similar to many similar bills passed in 30 States across the country.

It was more sweeping than the Federal bill we are debating today, but it has served as a model for this Federal bill in front of us.

Its main focus was on antirecidivism measures and reserving prison space for the truly dangerous criminals while showing leniency for certain “low-risk offenders,” just as the FIRST STEP Act does.

In some States, it has worked well, and I hope that the FIRST STEP Act works as those who supported it believe it will, but I am not convinced because, in my State, it hasn’t.

Our criminal reform law hit Alaska right as we were going through a recession caused by low oil prices and the fact that the Obama administration locked up Alaska lands which hurt thousands of working men and women and their families.

It was also during this time that the opioid and drug crisis hit our State. Like many States across our country, my State has been hit hard, and we have been laser focused on it here in this body.

This trifecta—the passage of the State’s criminal reform bill, a persistent recession, and the drug crisis—have resulted in mayhem in some of our communities in Alaska.

In Alaska, all crime is up 6 percent from last year and up 26 percent from 5 years ago. Let me give you some troubling statistics from Alaska’s Uniform Crime Report: violent crime; up 6 percent from last year and up 35 percent from 5 years ago; property crime; up 5 percent from last year and up 23 percent from 5 years ago; and vehicle theft up 39 percent from 2016 to 2017.

According Kyle Hopkins from the Anchorage Daily News, who has done a great job reporting on this; car thieves, burglars, and shoplifters stole a staggering \$45.3 million worth of property across Anchorage in 2017. Remember, Anchorage is a city of a population of less than 300,000—the number of cars stolen in Anchorage: 3,104 in 2017; the number of vehicle break-ins: 3,837 in 2017.

Much of this crime is fueled by the drug epidemic.

Like many States across the country, Alaska has been reeling from the opioid crisis and drug epidemic. Tragically, lives are being lost because of this epidemic. Opioid-related deaths doubled in Alaska in 2017. Fentanyl related deaths rose by 450 percent.

The amount of heroin seized in Alaska more than doubled in 2017, while the number of arrests actually decreased.

Law enforcement has been tracking lower 48 traffickers who continue to import increasing amounts of these drugs to take advantage of our unique enforcement challenges, especially in our rural communities.

Given the crime wave in my State, in many cases fueled by addictions, and our high rates of sexual assault and domestic violence, many of the provisions in this bill are deeply troublesome.

In the FIRST STEP Act, certain sexual and drug criminals could be eligible for expanded good time credits, meaning that they can get out of prison

early. Criminals who are serving prison time for trafficking cocaine, heroin, or meth could get out early, so could those who assaulted a law enforcement officer and those who have committed certain violent assaults.

Perhaps most troubling, this bill would reduce enhanced sentencing for repeat drug offenders, including for methamphetamine, heroin, and fentanyl, three drugs that are more prevalent in my State.

The recent statistics in Alaska on drug seizures paint a grim picture about our drug crisis in my State. I cannot risk allowing these perpetrators, some of whom might make their way to Alaska, such leniency.

As I have said, we have been laser-focused on this drug issue here in the Senate. We have passed numerous bills to bring more resources to our States, billions of dollars of resources.

Back home, I have held numerous summits relating to this issue.

In August 2016, I convened the Alaska Wellness Summit: Conquering the Opioid Crisis, an important gathering of Federal, State, and local community leaders dedicated to tackling the many challenges associated with the growing opioid and heroin epidemic. That summit, which largely focused on issues of addiction, recovery, and community, was very productive, with hundreds of Alaskans gathering to listen, gain inspiration, learn and exchange ideas. Federal officials from several different agencies attended to hear the many obstacles Alaskans face when in recovery, as well as witness the indomitable spirit of Alaskans who have overcome those obstacles.

In August 2018, I held another wellness summit, this time focused not only on Alaska’s addiction epidemic, but on drug trafficking and the associated crime wave that is victimizing so many Alaskans. The summit once again feature a prominent group of Federal, State, and local leaders and stakeholders to build public awareness, identify opportunities for coordination and cooperation, and highlight Alaska’s unique public safety challenges with Federal officials.

We have grassroots, peer-to-peer networks across the State that are really beginning to make a difference.

We also have very active community members who are banding together to try to fight crime in their neighborhoods.

But we need a strong criminal justice system that continues to mete out punishments that fit the crime. We need, fair, strong deterrence.

We need the full strength of both the Federal and the State governments, working in tandem, to get drug dealers off the streets and punish violent re-offenders who are wreaking havoc in our communities.

Although I respect that motives of my colleagues—and I do believe that some reform is necessary—this bill goes too far.

When evaluating this bill, I could not ignore the realities of my State’s cur-

rent situation: spiking crime rates and an ongoing opioid and drug crisis. Voting to lessen prison time for any contributing offenders could compound the problem. I could not take that risk.

AGRICULTURE IMPROVEMENT ACT OF 2018

Ms. STABENOW. Mr. President, the 2018 farm bill was a true bipartisan victory, and I am very proud of the historic vote Senator ROBERTS and I were able to achieve on this bill. It serves as an example of how Congress, on a bipartisan basis, can produce important legislation through debate and compromise. On the Agriculture, Nutrition, and Forestry Committee, we have a long history of working together to ensure a strong safety net for farmers and for families. This bill continues that long-standing, bipartisan tradition. I know that the chairman did not get everything he wanted in this bill, and neither did I. I would have preferred to make more progress on reforming farm payments, a cause championed by my friend, Senator GRASSLEY, and on improving the adequacy of benefits in the Supplemental Nutrition Assistance Program, known as SNAP, and our other food assistance programs, but, overall, this is a good bill that protects and advances many critical food and farm policies that deserves the strong bipartisan support it received.

The nutrition title of this bill is no exception. We know that SNAP is largely working, and spending has been declining as more people get back to work and get off SNAP the right way. We also know that it is our job to make sure the program is working as intended and that we address any integrity issues that arise. That is why we included important improvements to SNAP program operations, oversight, and employment and training in this bill. In this conference report, we have protected SNAP, made modest, but important improvements, and excluded the very harmful House provisions that would have cut SNAP by more than \$20 billion over 10 years, taken food assistance away from at least 2 million people, and imposed new, unworkable mandates on States.

I wish we also could have made more progress in expanding SNAP eligibility, benefits, and access in ways that would address food insecurity and help low-income Americans who are struggling to make ends meet. That said, we were able to include an important benefit improvement that will provide additional SNAP benefit to certain homeless households that, despite lacking a permanent nighttime address, may still incur expenses for shelter for temporary accommodations or to stay with friends or family. The program’s \$143 homeless shelter deduction will now be available in all States, including in my home State of Michigan, and will keep pace with inflation each year. If a

household could get more SNAP benefits by claiming the regular shelter deduction, it must continue to be able to do so, but for the many households that have had difficulty proving the amount of their shelter expenses, this change will enhance their SNAP benefits and reduce paperwork for both the household and for State agencies. Specifically, the conference report allows, for example, when a homeless household incurs a cost for shelter, but does not have paperwork available to prove the expense, an eligibility worker to provide the standard homeless shelter deduction based on her or his assessment of the households' claims about the expense. The worker can examine the totality of the household's circumstances and provide an appropriate deduction based on the information that is available.

Another improvement we include in this conference agreement is a requirement that USDA reassess the adequacy of SNAP's Thrifty Food Plan, TFP, by 2022 and every 5 years subsequently. The TFP is the foundation for SNAP benefit levels and is meant to reflect the actual food costs that households face in obtaining a nutritionally adequate diet. In recent years, mounting research evidence has found that the TFP is out of step with actual food purchasing practices and nutritional recommendations and that, for the vast majority of households, SNAP benefits are inadequate when considered in tandem with income that the household is assumed to have available for food. In part, the low SNAP benefits are a result of USDA in the past requiring that revisions not increase the cost of the TFP. Over many years, the factors behind food costs have evolved, i.e., purchasing and consumption patterns, dietary guidelines, women's work patterns, and transportation costs. Our intention for the future is that USDA not be compelled to achieve a cost-neutral revision to the TFP, but that it bring to bear the best scientific evidence about the appropriate cost of a "thrifty," but nutritionally adequate food basket. We recognize that this may mean that SNAP benefits need to be adjusted as a result of the reassessment.

We also recognize that food insecurity is an ongoing issue amongst military families. While the conference report did not include a critical change I support related to the treatment of the Base Allowance for Housing in SNAP, I want to encourage USDA to look for ways to address military hunger. Specifically, I ask that USDA designate an office or liaison within the Office of the Secretary of Agriculture to coordinate with Department of Defense to gather data about currently serving military families experiencing food insecurity. I would ask USDA to gather key information such as estimates of SNAP participation by currently serving military families; estimates of currently serving military families experiencing food insecurity, but not able to qualify

for SNAP benefits because the inclusion of their Basic Allowance for Housing allowance as counted income; estimates of currently serving military households with low household incomes—below 200 percent of federal poverty line; below 185 percent; below 130 percent; and estimates of participation in WIC by military households in comparison to SNAP.

Food consumption and buying behaviors are not the only changes affecting SNAP. Technology, both in administration and in the retail landscape, also continue to evolve. The conference report makes several important changes to help USDA to modernize to address consumer preferences and to help States to continue to strengthen their stewardship of SNAP.

First, we expand a pilot from the last farm bill, known as the National Accuracy Clearinghouse, NAC, to be a nationwide program within a few years. The NAC gives States tools to ensure that individuals do not simultaneously receive SNAP benefits in two or more States by conducting cross-State matches of SNAP applicants and participating households and setting up a process for States to resolve instances of apparent dual participation. An evaluation of the NAC pilot found that, although duplicate participation is small—less than 0.02 percent of SNAP participants—it is feasible for States to conduct a match to identify and prevent duplicate participation.

We know that duplicate participation, when it does occur, is rarely intentional fraud, but rather is a result of a household or household member simply moving from one State to another and not successfully disenrolling in their previous home State. This could be caused by households not being able to get through to a call center to report the move or a State not taking the proper subsequent action to close the case or remove the household member. The NAC helps States to address this issue more effectively using technology, saving money within SNAP in the process. As with any error, without evidence of a client's intent to defraud the program, States should assume that dual enrollment discovered through the NAC is unintentional.

Because duplicate participation is so rare and a household's need for food assistance may be urgent, the conference committee expects that USDA's Food and Nutrition Service, FNS, and States will establish procedures for the NAC that will not interfere with current application and enrollment procedures, particularly the speedy processing of applications. Some States are able to process matches in "real time" or provide same-day or other fast service to SNAP applicants. Given that only a tiny fraction of applications are expected to result in a positive match via the NAC, we expect that States will often run the match after approving SNAP.

In developing the NAC provision, the members were sensitive to recent prob-

lems with data security breaches and the risk that any large data set may be a target for hacking, identity theft, or other "big data" goals that are not associated with the administration of SNAP. The Conference Committee intended that the NAC have state-of-the-art privacy and security protections and that the information shared across States as part of the NAC be used only for the purpose of identifying and preventing dual participation in SNAP. We expect FNS to exercise strong oversight of any contractors that are engaged in the operation of the NAC to ensure that contractor is not using information about SNAP participants for any other purposes.

Finally, as part of the NAC, we expect that FNS will be developing procedures for standardizing, streamlining, and in some cases automating cross-State communications. We urge FNS to ensure that these processes provide SNAP recipients with services that take into account the difficulty they may have in navigating cross-State communications. For example, we expect FNS's policies to include procedures to help households appeal and resolve decisions across State boundaries. If a noncustodial parent applies for benefits on behalf of a child who lives with the other parent, it may be difficult for the custodial parent to know how to navigate an eligibility decision made in another State where the individual does not reside.

Similarly, when overpayments occur because of duplicate participation, we expect the cross-State claims process to take into account difficulties households may have had in closing their case in their prior State of residence. For example, if a State was delinquent in closing the case after the household reported the change, or the household could not get through on the telephone to report the change because of a major problem in call center operations, this should be considered an agency error, and households should be given consideration in the claims establishment and collection process. If the household did not use the benefits in the State in which they previously resided because they were receiving SNAP where they live now and simply could not close their old case because of a problem with the States' reporting procedures we assume they will not be held responsible for repaying an overpayment.

Another provision of the bill offers States an opportunity to collaborate with FNS to establish longitudinal data sets about SNAP participation. The goal of this provision is in some ways the opposite of the NAC. Where the NAC aims to share very specific identifying information about SNAP applicants and participants to prevent dual participation, the conference agreement specifically prohibits the longitudinal database from collecting or sharing any personal identifying information. Instead, the information in these data sets will be used only for research purposes to study the characteristics of SNAP participants over time

and improve SNAP program operations. Because most data that is available about SNAP participants looks just at 1 particular month, these data sets will fill in a gap in our understanding of SNAP and allow States, FNS, and other researchers to learn about patterns of participation and other factors such as work experience and income volatility.

The SNAP quality control, QC, system, which measures SNAP payment accuracy, has recently been the subject of oversight by USDA's Office of Inspector General. The Senate Agriculture Committee also held a hearing to review problems with the quality control system. This led FNS to conduct a subsequent investigation and revise its guidance and processes. We acknowledge that FNS and States have made substantial progress in addressing the problems these investigations exposed. The conference agreement requires FNS to issue regulations to codify the quality control improvements and other changes in order to ensure the statistical validity of the measures the QC system produces. The conferees are not expecting any major changes in how the QC system measures payment error. We expect that the basic tenets of the quality control measures will remain. For example, a payment error will be determined based on the outcome of the eligibility decision, rather than on the State's procedural compliance, and that the certification and reporting rules under State and Federal policy will be taken into account in assessing payment errors.

The QC system needs to balance the twin goals of payment accuracy and program access. We urge FNS to not include changes to the QC system that would make it harder for individuals to participate in SNAP if they live in unstable conditions as a result of them moving more often, do not have a permanent address, or if they are likely to be more "error prone" because they have variable earnings that are more difficult for States to track.

The conferees are aware that the OIG and USDA both identified uneven Federal application and enforcement of quality control rules, as well as State practices, as an underlying cause of the problems identified in the investigations and reviews. We expect that improving quality control reviews will involve a more rigorous Federal rereview and more consistent practices across FNS regions.

The conferees chose not to include a House provision that would eliminate the quality control error tolerance threshold. Currently set at \$37, this is the threshold below which error amounts do not count toward the State's error rate. The threshold encourages States to focus their efforts on larger, costlier errors. Minor mistakes in calculating benefit amounts are not a threat to SNAP integrity and are understandable, given the volatility in the lives of many low-income households. If States were encouraged

to increase their efforts to drive SNAP errors in every case to zero, some States experience shows they likely would respond by requiring more paperwork, which would be burdensome and inefficient.

Finally, the conference report eliminated SNAP bonus payments to States out of concern that that they may have contributed to State practices that introduced bias into the quality control process. The conferees continue to think that customer service measures, such as measures of timeliness and program access, are important indicators of SNAP's success, and we expect FNS to continue to measure and publish these data for all States and to emphasize their importance in conducting program oversight. The same is true for enforcing clear standards. We are concerned that FNS is not following its own guidance with respect to how it will follow up with states whose timeliness has fallen below established Federal standards. This is important for the agency to address.

Another provision involving program integrity involves when States may follow up with households to seek additional information based on a data match. The provision identifies the circumstances under which such follow up is allowed and when it is prohibited. The conferees intend this provision to codify FNS's recent regulation of January 6, 2017, at 7 C.F.R. 273.12(c)(3). We do not intend for USDA to issue any new regulation beyond simply the addition of the new National Accuracy Clearinghouse to the list of matches that might require action.

Another provision in the program integrity area changes how SNAP benefits are treated when households have not accessed them recently. The provision allows States to move SNAP benefits "offline" after 3 months of inactivity instead of 6 months and requires benefits be "expunged" or completely taken away after 9 months instead of 12 months. Because inactivity in households' SNAP accounts is often the result of a misunderstanding, the provision requires that households be notified 30 days before benefits are scheduled to be expunged and offer an opportunity for the household to request that any benefits that have been moved offline be swiftly restored. On balance, my expectation is that this provision will improve households' access to benefits because households will be better informed.

In our negotiations on the SNAP provisions of the farm bill, the conferees spent substantial time debating the SNAP employment and training program and proposals to add requirements in SNAP that would take food assistance away from households that fail to meet harsh work requirements. I am proud that this bill does not include the House's proposals to severely restrict waivers from the existing harsh 3-month time limit and the House bill's new requirements that would have taken food assistance away

from families with children and older adults who struggle to find work. This was no accident. The conferees rejected these proposals. In fact, the Senate resoundingly rejected on a bipartisan basis an amendment that included many of these harsh changes. The administration should take note of this and follow congressional intent and not attempt to advance an inconsistent agenda through rulemaking that is not supported by the law we just passed.

Rather than harsh new requirements, the conference agreement focused on helping families get back to work the right way. The conference agreement will strengthen State flexibility to design employment and training systems that meet local workforce needs and labor market conditions. We added workforce partnership arrangements, which could involve private employers, trade groups that represent such employers, or nonprofit organizations to the options available to States and individuals for meeting SNAP employment and training and work requirements. We also focus additional funding provided in the bill for employment and training on programs with a proven track record based on the pilots from the 2014 farm bill and on populations that face substantial barriers, such as individuals who were incarcerated in the past, workers age 50 and older, and those at risk of multigenerational poverty.

In order to help employment and training participants succeed in their placements, we now expect States to include case management as a component in all States' employment and training programs. We envision that States will continue to have wide latitude in what counts as case management, and we intend that case management be a resource to employment and training participants, not an extra hoop for participants to comply with to satisfy their employment and training obligation. Not every participant will need case management, and not every component of a State's employment and training program must offer case management. We also revise the job search component under employment and training to add a supervision requirement, but anticipate that States will be creative in developing innovative models for supervision that are not burdensome on participants, for example, by using technology to include online job search, or other automated and remote options. We recognize that States will need time to update their employment and training plans and build capacity to roll out new approaches, so we expect FNS will provide adequate time for States to transition to compliance with the new requirements. I should note that, while self-initiated job search may no longer be a standalone component within employment and training, it is not disallowed as a part of another component. For example, if a job training program offers 12 hours of job training and 8 hours of job search, this should

still be allowable under this change. The conference report also does not preclude self-initiated job search that is not specifically managed within the SNAP employment and training.

The Agriculture Committee has a long history of bipartisan oversight of SNAP, and every farm bill includes provisions that strengthen SNAP by taking advantage of new technologies and other advancements in other areas of the human services field. This farm bill is no exception. For example, we include provisions to adjust SNAP's electronic benefit transfer, EBT, program to account for new technologies like mobile and online payments and to add flexibility for farmers' markets. While we recognize the need for SNAP to evolve to survive in the modern marketplace, it is equally important that we continue to maintain program integrity. The Secretary must maintain the ability to monitor retailers and ensure they are not engaging in fraudulent activities. Retailers without a physical storefront may require new approaches to oversight, and FNS should continue to work with retailers and Congress to ensure appropriate controls are in place.

EBT is a critical link in the SNAP program for delivering benefits to eligible families and our retailers, and EBT contractors are important partners. The Senate-passed farm bill included requirements on USDA and GAO to conduct broad reviews of SNAP EBT, including transfer-related fees, equipment issues, data security, and customer service, especially the unfortunate increased frequency of systems outages. We also required USDA to issue regulations and guidance on these issues based on the findings from the studies. Although we were not able to include these provisions in the final conference agreement, both USDA and GAO have the authority to engage in these activities without specific statutory direction, and I urge them to do so.

Child support collections is another area where we determined that the proper course of action is for the Secretary to obtain more information. The House included a sweeping provision to require States to mandate cooperation with child support enforcement as a condition of SNAP eligibility. While we strongly support custodial and non-custodial parents financially supporting their children, we rejected the mandate out of concern that taking away food assistance would do more harm than good for children and that the mandate would be costly for States and the Federal Government. Instead, we direct the Secretary to collect evidence on the impact on families and children and the cost for States and the Federal Government. We also want information on the experiences in States that have adopted the mandate, those that rejected it, and on some of the practical issues such as how States guarantee a robust determination of good cause for noncompliance. It is key

that the Secretary in carrying out this study collect information on those who would be dissuaded from participating in SNAP as a result of the mandate. Research on those who do not receive SNAP as a result of a policy change can be difficult to obtain, but because our concern about the provision relates to the impact on children whose parents are afraid to participate in SNAP because of a fear of domestic violence or out of other concerns about their relationship with another parent—for example, when grandparents care for grandchildren—the Secretary must seek to paint a full picture of the impact such a change would have on children. We also instruct the Secretary to examine what alternative options are available in this area that would achieve similar goals but without putting food assistance for children at risk.

In addition to these critical issues within SNAP, I also want to note that we made some critical improvements to programs to support beginning and socially disadvantaged farmers, organic producers and local food systems, including providing permanent mandatory baseline funding. This important step will ensure these programs continue to support the next generation of sustainable farmers. The conference report also directs Secretary to have the Agriculture Marketing Service and Rural Business Cooperative Service work together to implement the Local Agriculture Market Program, using the agencies' respective structures and expertise to deliver an effective program. One important aspect of the Local Agriculture Market Program is food safety assistance, an area where the primary expertise at USDA resides within the Agriculture Marketing Service. I would ask USDA to ensure food safety components of the Local Agriculture Market Program be coordinated between the agencies, but be led by Agriculture Marketing Service, who has the most expertise.

This farm bill was truly historic, both in its broad level of bipartisan support and also in its steps toward supporting the great diversity of American agriculture. I also believe it was noteworthy that we were able to overcome strong partisan attacks on food assistance to produce a bill in the bipartisan tradition this committee maintains continues to protect the family safety net in a bipartisan way. I hope the administration follows our lead and rejects harmful attacks on food assistance for families needing short term support.

TRIBUTE TO DAVID PETTI

Mr. CRAPO. Mr. President, with my colleagues Senator JAMES E. RISCH and Representative MIKE SIMPSON, I congratulate Dr. David Petti on his retirement from the Idaho National Laboratory, INL. Dave has had a long, distinguished career as an innovative nuclear engineer and leader at INL, where he

has made a significant impact in his field.

Presently, Dave is a Laboratory Fellow and Division Director for Nuclear Fuels and Materials. He is also a Fellow of the American Nuclear Society and the Senior Editor for the Journal of Nuclear Materials and an Editorial Member for Nuclear Engineering and Design.

During his tenure, Dave led a number of projects at INL, including overseeing all research and development for the Very High Temperature Reactor Technology Development Project, known previously as the Next Generation Nuclear Plant. Dave is an internationally recognized expert in the development of advanced reactor fuels and is the recipient of 19 awards, including the Lifetime Achievement Award for an INL Publisher, 2016, the Idaho National Engineering Laboratory Management Excellence Award, 2014, and the American Nuclear Society Materials Science and Technology Special Achievement Award for leadership in development of nuclear fuels for high temperature gas-cooled reactors, 2009.

A highly published and well-respected expert in his field, Dave has authored or coauthored more than 100 peer reviewed journal articles, contributed more than 50 papers to conferences, and authored 2 book chapters. He holds a patent for method for the production of ^{99m}Tc compositions from ⁹⁹Mo containing materials, 1998. Most recently, Dave coauthored the Massachusetts Institute of Technology, MIT, report "The Future of Nuclear Energy in a Carbon-Constrained World". This influential study has had great impact on the international nuclear community, and he has presented the findings of the report in Washington, DC, London, Paris, Tokyo, and other places around the world. Dave holds a Ph.D., an M.S., and a B.S. in nuclear engineering from Massachusetts Institute of Technology.

Dave has left a mark in his field and in Idaho during his 32 years at INL. We congratulate him on his many accomplishments and wish Dave and his wife, Becky, all the best as they enjoy retirement.

TRIBUTE TO DR. KATHLEEN HOGAN

Mr. BENNET. Mr. President, I wish to recognize the service of Dr. Kathleen Hogan, the former Deputy Assistant Secretary for Energy Efficiency at the U.S. Department of Energy.

Dr. Hogan's distinguished career is a testament to the power of one public servant to deliver progress for the entire country.

Over her years of Federal service, Dr. Hogan dedicated her considerable talent to helping our country use energy more efficiently. Dr. Hogan appreciated the promise of energy efficiency, not only to address the climate threat, but also to reduce waste and save money for households and businesses

nationwide. She also appreciated the necessity of bringing government and the private sector together on solutions.

At the Department of Energy, Dr. Hogan oversaw the Better Buildings Program, an initiative to encourage buildings to become 20 percent more efficient by the end of the decade. The program was formally codified through legislation I introduced with Senator Kelly Ayotte in 2013. Its success, however, is entirely the result of Dr. Hogan's tenacity, persistence, and rare ability to forge partnerships beyond government. While at the Department, Dr. Hogan also forged robust appliance standards that save consumers more than \$60 billion on their electricity bills annually.

At the Environmental Protection Agency, Dr. Hogan spearheaded Energy Star, a voluntary program to promote efficiency in housing, industry, and a range of consumer products. Today, Energy Star is one of the most widely recognized consumer labels in America. Since 1992, the program has saved families and businesses over \$450 billion and 3.5 trillion kilowatt-hours of electricity.

The legacy of Dr. Hogan's public service is all around us: in the kitchens of millions of American households, on the factory floor of industrial plants, in the cleaner air our children breathe each day, and in the dozens of new partnerships between the Federal Government and businesses from nearly every sector of the economy.

We are deeply appreciative of Dr. Hogan's contributions, and we wish her all the best in her next chapter. Above all, we thank her for a distinguished career of service to our country.

TRIBUTE TO DUSTY VAUGHAN

Mrs. FISCHER. Mr. President, I rise today to recognize the service of my longtime staff member and dear friend, Dusty Vaughan.

After 14 years of service, he is turning a new page in what has been an impressive and dedicated career of service to the people of Nebraska.

Dusty was the first person I hired after I was elected to represent District 43 in the Nebraska State Legislature in 2004. He served in my legislative office for my entire time in the unicameral, first as my legislative aide and then as legal counsel of the Transportation and Telecommunication Committee, which I chaired for 6 years. As a state senator, I relied on Dusty's expertise to make the best possible decisions that improved our State and helped Nebraska's families.

Together we accomplished a lot. We got results and Dusty worked tirelessly to get the "big stuff" done. Our proudest achievement from our legislative days was securing the passage of LB 84, the Build Nebraska Act, which dedicated a quarter cent of every sales tax dollar to a new highway fund in the State of Nebraska. This was a policy

change for the State and is viewed as a major policy accomplishment in the last 40 years.

In 2012, after I was elected by the people of Nebraska to serve in this Chamber, one of my first decisions was to make Dusty my State director. In the years that followed, when I wasn't here in Washington, I was likely traveling on the road with him across Nebraska. From Scottsbluff to Omaha, we visited countless families, organizations, schools, hospitals, and small businesses. I always enjoyed our many lunches, ice cream breaks, and discussions about everything from policy issues to our families. And we have certainly had a lot of laughs—and a few tears—over these many years.

Each and every day Dusty brought unmatched integrity and heart to work with him. He is a wonderful example of the true goodness of the State of Nebraska. I want to thank Dusty's family, his wife, Julie, two sons Gabe and Kellen, and his two beautiful daughters, Tatum and Zoe, who lent much of his time, including some busy weekends. I know they are proud of him, as I am.

Dusty has shown them what it means to be a true humble servant of our State.

Dusty, I thank you for your positivity, your loyalty, your friendship, and your faith in Nebraskans. I wish you the very best on this next chapter of your career, and I know you will continue to get the big stuff done and make us proud.

TRIBUTE TO KERRY GARLAND

Mr. SULLIVAN. Mr. President, it is with a heavy heart that my office says goodbye to Kerry Garland, who has been such an asset to my team this past year.

Kerry has lived in Alaska for 18 years. She went to high school at Bartlett High School in Anchorage and graduated from the University of Alaska in Anchorage with communication and a second degree, a bachelor's of science in nutrition.

After graduating, she worked for the University of Alaska Anchorage. Then we got her. She started as an intern. Her title now is a constituent relations representative, but truly she runs the place. She manages mail. She coordinates the interns. She does so much, and she always does it with the utmost professionalism.

Kerry is headed off to better things. In a few weeks, she will be one of the few and the proud. She is headed off to Quantico, VA, to for the rigorous and very competitive marine officer candidate school and then to the Basic School.

Kerry says that pursuing a career as a commissioned officer in the U.S. Marine Corps, the hardest branch of the military for women to make a career out of, especially as an officer, has been a long-held dream. The child of marine parents, she decided that she

was going to go into the Marines when she was 6 years old. It was "Bring Your Mother to School" day, and Kerry's mother showed up in uniform. She thought then, "I want to be like her." There is no doubt in my mind that she will be.

She plans on becoming a public affairs officer, where she will work to build understanding, credibility and trust. She will also work her hardest to protect the image of the Marine Corps both at home and abroad.

It is young people like Kerry—people with drive, discipline and a servant's heart—that made me so optimistic for our country's future, and the future of my beloved Marine Corps.

She is one of those people who everyone truly likes and who everyone who has ever worked with her trusts her to get the job done and to get it done right.

Kerry, we will truly miss you. You will always have a place in our hearts and will always be part of the Sullivan team.

Semper Fi.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD P. CONABOY

• Mr. CASEY. Mr. President, today I wish to remember Judge Richard P. Conaboy, who served the people of Lackawanna County and the Middle District of Pennsylvania as a judge for over five decades.

Judge Conaboy was born and raised in Scranton, PA. After graduating from the University of Scranton in 1945, he served in the Army Air Force and became a sergeant before his discharge in 1947. He earned a law degree from Catholic University in 1950 and practiced law in Scranton for 12 years until he was appointed to be a judge on the Lackawanna County Court of Common Pleas in 1962. He served on this court with distinction for 17 years. Judge Conaboy was nominated to the Federal bench by President Jimmy Carter and confirmed by the Senate in 1979. He went on to serve the Middle District of Pennsylvania for nearly four decades.

Judge Conaboy also served as chairman of the U.S. Sentencing Commission from 1994 to 1998. Notably, during his tenure, Judge Conaboy raised concerns about Congress's decision to address the crack cocaine epidemic by significantly enhancing penalties for crack, but not powder, cocaine, creating a sentencing disparity that he believed was having a profound disproportionate impact on minority communities. His opposition to this disparity and his dedication to fairness in sentencing presaged Congress's passage of the Fair Sentencing Act in 2010 and have continued to influence efforts to reform Federal sentencing laws.

Judge Conaboy was known for his legal acumen, as well as his humility, patience, and fairness. Members of the

Lackawanna County legal community have recalled his unique ability to resolve disputes and bring parties to the table with his sense of humor and deep respect for all people appearing before him. He worked tirelessly on behalf of the people of the Middle District, and he continued to hear matters before the court until his death.

Judge Conaboy is survived by his wife of 68 years, Marion, as well as their 12 children, 48 grandchildren, and 49 great-grandchildren.●

REMEMBERING WILLIAM J. NEALON

● Mr. CASEY. Mr. President, today I wish to honor the life and career of U.S. District Court Judge William J. Nealon.

Appointed to the U.S. District Court for the Middle District of Pennsylvania by President John F. Kennedy in 1962, Judge Nealon became the longest serving Federal District Court judge in U.S. history on August 28, 2018.

Born and raised in Scranton, PA, Judge Nealon attended Miami University until he put his education on hold to join the Marine Corps during World War II. He served his country from 1942 to 1945, and when he returned, he earned his bachelor's degree from Villanova University and his law degree from Catholic University.

Judge Nealon distinguished himself early on in the practice of law. In 1960, less than a decade after joining the Pennsylvania bar, he was appointed to the Lackawanna County Court of Common Pleas, the youngest such judge in the Commonwealth. Less than 3 years later, on December 13, 1962, President Kennedy appointed him to the U.S. District Court for the Middle District of Pennsylvania, and Judge Nealon became the youngest Federal District Court judge in the country. He went on to serve in this role for over 55 years.

Judge Nealon was a brilliant jurist, committed to fairness and "equal justice under law" in every case for every party who appeared in his courtroom. He will be remembered for his work ethic and commitment to his family. In addition to leaving behind a legacy of judicial and community service, Judge Nealon is survived by his wife of 70 years, Jean, 5 of their 10 children, 30 grandchildren, 26 great-grandchildren, and numerous nieces and nephews.

The Federal courthouse in Scranton, which bears his name, will ensure that his decades of service to the Commonwealth of Pennsylvania and our country will continue to inspire new generations of public servants.●

TRIBUTE TO LARRY SHELLITO

● Ms. SMITH. Mr. President, today I wish to recognize and celebrate the career of retired lieutenant general and current Minnesota Department of Veterans Affairs commissioner Larry Shellito. Commissioner Shellito will be retiring from the Minnesota Depart-

ment of Veterans Affairs on January 7, 2019, after leading the department for the past 7 years. His leadership has ensured the Minnesota Department of Veterans Affairs will continue to provide excellent care and services for years to come.

Commissioner Shellito began his career in 1968 when he enlisted in the U.S. Army, during which time he served in Vietnam as a mobile advisory team leader. In 1973, he joined the Minnesota National Guard where he served for the next 37 years. Starting as a rifle platoon leader, Commissioner Shellito went on to serve in nearly every command position within the Minnesota National Guard, and in 2003, he was appointed adjutant general by Governor Tim Pawlenty. In this final position, Commissioner Shellito diligently led the Minnesota National Guard in responding to domestic incidents, transforming the force from a ready reserve to an operational force through multiple deployments to the wars in Iraq and Afghanistan. He made sure the needs of his soldiers and their families were met when they returned home through the creation and implementation of the Nation's first Yellow Ribbon Program. Commissioner Shellito's leadership transformed the Minnesota National Guard into one of our Nation's most respected and well-known organizations.

While most people would retire after such an extensive career, Commissioner Shellito stepped up to the plate when Governor Mark Dayton asked him to serve as commissioner of the Minnesota Department of Veterans Affairs in 2011. At the Minnesota Department of Veterans Affairs, Commissioner Shellito has assisted Minnesota's 337,000 veterans and their dependents get the benefits and services they have earned. His stewardship has ensured veterans can find a place to call home, can find jobs in the public and private sectors, and have access to the services they need to help them heal from physical and psychological wounds.

In the past year alone, Commissioner Shellito has led the department in obtaining funding for three new veterans homes, improving residential satisfaction at Minneapolis veterans homes, opening a new state-of-the-art 100-bed skilled nursing care facility in Minneapolis, and establishing the Nation's first veterans home fixed dental care facility. The work Commissioner Shellito has done these past 7 years has set the Minnesota Department of Veterans Affairs up for success for years to come and is a testament to Commissioner Shellito's character and commitment to service.

On behalf of myself and all Minnesotans, I want to congratulate Commissioner Shellito on an amazing career. Your more than 45 years of excellent public service, on Active and civilian duty, represents the finest Minnesota has to offer. We recognize your service, we are grateful for it, and we thank you.●

TRIBUTE TO ANCHORAGE AIR TRAFFIC CONTROLLERS

● Mr. SULLIVAN. Mr. President, it is coming up on the end of the week, time when I get to do one of the things I love to do best here on the Senate floor: recognizing an Alaskan or a group of Alaskans who help make my State so special. I call them our Alaskan of the Week.

Last time I spoke, I recognized all Alaskans who were impacted by the massive earthquake, a 7.0-magnitude earthquake centered about 7 miles north of Anchorage, that we experienced on Friday, November 30.

The earthquake was the second largest that Alaska had experienced. The extent of the damage is still being evaluated, but the best guess is that it caused hundreds of millions of dollars of damage to homes, schools, roads—infrastructure throughout the area.

Aftershocks continue, at least 4,000 of them, and at least two dozen have been larger than 4.0 magnitude.

Residents of Anchorage and the Mat-Su—Southcentral we call the area—are still rattled, but Alaskans are generous, strong, and resilient, and they are skilled. They know what to do during an emergency.

Today I want to recognize a group of Alaskans who, under immense pressure, did their jobs and served our State with cool heads, smart minds, and the upmost courage: the air traffic controllers who were on duty in both the Anchorage International Airport and at Merrill Field at the time the earthquake hit.

Before I talk about the extraordinary actions they performed to keep air traffic running smoothly through the earthquake and the lengths they went through to make sure passengers were safe, let me spend a few minutes talking about how important aviation is and air traffic controllers are to my State.

So you know that my State is the biggest State in the country, more than twice the size of Texas. If you want to get a sense of how big it is, come up to my office where I have a map in the front room and cutouts of all the other States, to scale.

Many of those States that make up our great country are basically dots on the map.

We are big, but most of Alaska is only accessible by air. In fact, 82 percent of our communities—251—are not accessible by road. You have to fly to get there.

The airspace serves as our highways. Alaska's people travel by air eight times more often per capita than those in rural areas of the Lower 48 and ship 39 times more freight per capita, nearly one ton per person per year.

Not only that, Anchorage is the crossroads to the Asia Pacific—we have one of the world's best cargo hubs—and the air traffic controllers working the towers guide passengers and goods to the Far East, Iceland, and across the globe.

All of that air traffic demands the best air traffic controllers, about 180 in the Anchorage area alone, working day and night to guide the planes in and guide them out. They are highly trained, skilled, and know what to do in case of an emergency.

When the earth shook in Anchorage, it was an emergency, and our air traffic controllers both at Merrill Field, a general aviation airport, and at the busier Ted Stevens International Airport, acted fast.

Let me first talk about what happened at the Ted Stevens International Airport during the earthquake.

According to a reporter, when the earthquake hit, one of the managers said the tower that they were in swayed 3 or 4 feet and described watching transformers blow out around town from the tower.

A FedEx plane was coming in, and they got on their radios. "FedEx, go around, FedEx, go around!" they told the plane, averting a potential accident.

Once they realized how severe the earthquake was, the controllers evacuated, carrying their radios.

So they chose another option: The three guided the airplanes in from the cab of a pickup truck.

They had what they needed—radios, phones, and a window—and they had the support of dozens of FAA employees at other locations.

This is what is amazing; Because of their quick thinking, the airport's three runways were closed for less than 10 minutes after a 7-magnitude earthquake struck.

On the other side of town, at Merrill Field control tower, a similar story was unfolding.

Again, the controllers and all on the team evacuated, and again, the controllers took their private vehicles out to the ramp and powered up FAA portable radios.

The initial lull in general aviation and flight school traffic was quickly replaced by public safety helicopter and Medevac flights, Civil Air Patrol aircraft on disaster relief and reconnaissance missions, and airborne observers checking critical pipeline and roadway infrastructure.

I am so proud of how everyone in Southcentral reacted to the earthquake. Kids immediately dove under desks. Our first responders jumped into action. Neighbors helped neighbors. And they are still doing so.

Not one person died as a result of the earthquake.

I am so proud of our air traffic controllers who, under immense pressure, improvised and did what needed to be done to keep everyone safe and make sure that flights weren't disrupted.

Thank you for all you did during that very frightening time, and thank you for all you do for all of us every day. Congratulations for being our Alaskans of the Week.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 7:37 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7327. An act to require the Secretary of Homeland Security to establish a security vulnerability disclosure policy, to establish a bug bounty program for the Department of Homeland Security, to amend title 41, United States Code, to provide for Federal acquisition supply chain security, and for other purposes.

ENROLLED BILLS SIGNED

At 8:50 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1312. An act to prioritize the fight against human trafficking in the United States.

S. 1311. An act to provide assistance in abolishing human trafficking in the United States.

H.R. 1235. An act to require the Secretary of the Treasury to mint coins in recognition of the 60th Anniversary of the Naismith Memorial Basketball Hall of Fame.

H.R. 4431. An act to amend title 5, United States Code, to provide for interest payments by agencies in the case of administrative error in processing certain annuity deposits for prior military service or certain volunteer service, and for other purposes.

S. 1050. An act to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 2101. An act to award a Congressional Gold Medal, collectively, to the crew of the USS Indianapolis, in recognition of their perseverance, bravery, and service to the United States.

S. 3749. An act to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, review, and resolution of claims alleging that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, and for other purposes.

H.R. 7213. An act to amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, and for other purposes.

H.R. 6160. An act to amend title 5, United States Code, to clarify the sources of the authority to issue regulations regarding cer-

tifications and other criteria applicable to legislative branch employees under Wounded Warriors Federal Leave Act.

H.R. 1318. An act to support States in their work to save and sustain the health of mothers during pregnancy, childbirth, and in the postpartum period, to eliminate disparities in maternal health outcomes for pregnancy-related and pregnancy-associated deaths, to identify solutions to improve health care quality and health outcomes for mothers, and for other purposes.

H.R. 6964. An act to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 2511. An act to require the Under Secretary of Commerce for Oceans and Atmosphere to carry out a program on coordinating the assessment and acquisition by the National Oceanic and Atmospheric Administration of unmanned maritime systems, to make available to the public data collected by the Administration using such systems, and for other purposes.

H.R. 4032. An act to confirm undocumented Federal rights-of-way or easements on the Gila River Indian Reservation, clarify the northern boundary of the Gila River Indian Community's Reservation, to take certain land located in Maricopa County and Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes.

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

H.R. 2. An act to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes.

The enrolled bills (H.R. 1318, H.R. 1235, H.R. 2, S. 1312, S. 1050, S. 2511, S. 3170, H.R. 7213) were subsequently signed by the Acting President pro tempore (Mr. BOOZMAN).

The enrolled bills (S. 3749, S. 1311, H.R. 4431, S. 2101, H.R. 6964, H.R. 4032, H.R. 6160) were subsequently signed by the Acting President pro tempore (Mr. SCOTT).

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-7539. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pears Grown in Oregon and Washington; Decreased Assessment Rate for Processed Pears" (AMS-SC-18-0049) received in the Office of the President of the Senate on December 19, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7540. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to serious human rights abuse and corruption that was originally declared in Executive Order 13818 of December 20, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-7541. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order

13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-7542. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2018; to the Committee on Energy and Natural Resources.

EC-7543. 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 "Change in Basis for Determining Reserves Under Section 807" (Rev. Proc. 2019-10) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Finance.

EC-7544. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Social Security Administration Violence Evaluation and Reporting System" (RIN0960-AI08) received in the Office of the President of the Senate on December 19, 2018; to the Committee on Finance.

EC-7545. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Report on the Continuing Need for Authorized Bankruptcy Judgeships"; to the Committee on the Judiciary.

EC-7546. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report of the Office 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-7547. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Agency Financial Report for fiscal year 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-7548. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' Agency Financial Report for fiscal year 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-7549. A communication from the Acting Chairman of the National Endowment of the Arts, transmitting, pursuant to law, the Endowment's Performance and Accountability Report for fiscal year 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-7550. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution of 1991 (P.L. 102-1) for the July 11, 2018 to September 9, 2018 reporting period; to the Committee on Foreign Relations.

EC-7551. A communication from the Staff Director, U.S. Commission on Civil Rights, 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-7552. A communication from the Acting Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2018; to the Committee on Commerce, Science, and Transportation.

EC-7553. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Upper Hudson Viticultural

Area" (RIN1513-AC38) received in the Office of the President of the Senate on December 19, 2018; to the Committee on Commerce, Science, and Transportation.

EC-7554. A communication from the Secretary of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretive Rule, Shipping Act of 1984" (RIN3072-AC71) received in the Office of the President of the Senate on December 19, 2018; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 3217, An original bill to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006 (Rept. No. 115-434).

By Mr. RISCH, from the Committee on Small Business and Entrepreneurship:

Report to accompany S. 791, a bill to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes (Rept. No. 115-435).

Report to accompany S. 1538, a bill to amend the Small Business Act to establish awareness of, and technical assistance for, the creation of employee stock ownership plans, and for other purposes (Rept. No. 115-436).

Report to accompany S. 3552, a bill to amend the Small Business Act to adjust the real estate appraisal thresholds under the 7(a) program of the Small Business Administration to bring those thresholds into line with the thresholds used by the Federal banking regulators, and for other purposes (Rept. No. 115-437).

Report to accompany S. 3553, a bill to amend the Small Business Act to adjust the real estate appraisal thresholds under the section 504 program of the Small Business Administration to bring those thresholds into line with the thresholds used by the Federal banking regulators, and for other purposes (Rept. No. 115-438).

By Ms. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany S. 1548, a bill to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas and to make additional wild and scenic river designations in the State of Oregon, and for other purposes (Rept. No. 115-439).

Report to accompany S. 2809, a bill to establish the San Rafael Swell Western Heritage and Historic Mining National Conservation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances, and for other purposes (Rept. No. 115-440).

Report to accompany S. 2290, a bill to improve wildfire management operations and the safety of firefighters and communities with the best available technology (Rept. No. 115-441).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2764. A bill to amend and enhance the High Seas Driftnet Fishing Moratorium Protection Act to improve the conservation of sharks, and for other purposes (Rept. No. 115-442).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1426. A bill to amend the Ted Stevens Olympic and Amateur Sports Act to expand

the purposes of the corporation, to designate the United States Center for Safe Sport, and for other purposes (Rept. No. 115-443).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes (Rept. No. 115-444).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2948. A bill to improve efforts to identify and reduce Governmentwide improper payments, and for other purposes (Rept. No. 115-445).

S. 3041. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for disaster recovery reforms, and for other purposes (Rept. No. 115-446).

H.R. 50. A bill to provide for additional safeguards with respect to imposing Federal mandates, and for other purposes (Rept. No. 115-447).

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. WHITEHOUSE (for himself and Mr. INHOFE):

S. 3778. A bill to allow State manufacturing extension partnerships to award grants to small and medium sized manufacturers for the purpose of training new workers to replace departing experienced workers; to the Committee on Commerce, Science, and Transportation.

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

S. 3779. A bill to establish a voluntary program that strengthens the economy, public health, and environment of the United States by reducing emissions from wood heaters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MERKLEY:

S. 3780. A bill to amend the Animal Welfare Act to limit experimentation on cats; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 3781. A bill to amend the Internal Revenue Code of 1986 to reform retirement provisions, and for other purposes; to the Committee on Finance.

By Mr. DAINES:

S. 3782. A bill to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers; to the Committee on the Judiciary.

By Mr. SCHATZ (for himself and Mr. BROWN):

S. 3783. A bill to direct the Secretary of Education to establish and carry out a grant program to make grants to eligible institutions to plan and implement programs that provide comprehensive support services and resources designed to increase transfer and graduation rates at community colleges, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN:

S. 3784. A bill to address the needs of workers in industries likely to be impacted by rapidly evolving technologies; to the Committee on Health, Education, Labor, and Pensions.

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

S. 3785. A bill to require a joint resolution of approval for the entry into effect of a civilian nuclear cooperation agreement with Saudi Arabia, and for other purposes; to the Committee on Foreign Relations.

By Mr. SASSE (for himself and Mr. KING):

S. 3786. A bill to require the Secretary of Defense to conduct a study on cyberexploitation of members of the Armed Forces and their families, and for other purposes; to the Committee on Armed Services.

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

S. 3787. A bill to amend title XVIII of the Social Security Act to encourage the development and use of DISARM antimicrobial drugs, and for other purposes; to the Committee on Finance.

By Mr. SASSE:

S. 3788. A bill to require studies on cyberexploitation of employees of certain Federal departments and their families, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KENNEDY:

S. 3789. A bill to provide for certain water resources development activities of the Corps of Engineers, and for other purposes; to the Committee on Environment and Public Works.

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

S. 3790. A bill to impose criminal sanctions on certain persons involved in international doping fraud conspiracies, to provide restitution for victims of such conspiracies, and to require sharing of information with the United States Anti-Doping Agency to assist its fight against doping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS (for himself and Mr. FLAKE):

S. 3791. A bill to create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations; to the Committee on Finance.

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

S. 3792. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers from compensating biosimilar and interchangeable companies to delay the entry of biosimilar biological products and interchangeable biological products; to the Committee on the Judiciary.

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

S. 3793. A bill to acknowledge the rights of States with respect to sports wagering and to maintain a distinct Federal interest in the integrity and character of professional and amateur sporting contests, and for other purposes; to the Committee on the Judiciary.

By Mr. GARDNER:

S. 3794. A bill to amend title 38, United States Code, to improve the procurement practices of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN (for himself, Mr. ENZI, Mr. PETERS, Mr. PORTMAN, Mr. ISAKSON, and Mr. JONES):

S. 3795. A bill to amend the Employee Retirement and Income Security Act of 1974 and the Internal Revenue Code of 1986 to pro-

vide for the electronic delivery of pension plan information; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HARRIS:

S. 3796. A bill to amend the Public Health Service Act to authorize a loan repayment program for mental health professionals to realize workforce shortages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HARRIS:

S. 3797. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of certain mental health telehealth services; to the Committee on Finance.

By Mr. MERKLEY:

S. 3798. A bill to prohibit the Department of Health and Human Services from operating unlicensed temporary emergency shelters for unaccompanied alien children; to the Committee on the Judiciary.

By Mr. CRUZ (for himself, Mr. NELSON, Mr. MARKEY, Mr. RUBIO, and Mr. CORNYN):

S. 3799. A bill to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Mr. YOUNG, Mr. VAN HOLLEN, Mr. COONS, Mr. MARKEY, Mr. BOOKER, and Ms. KLOBUCHAR):

S. Res. 733. A resolution calling on the Government of Cameroon, armed separatist groups, and all citizens to respect human rights and adopt nonviolent approaches to conflict resolution; to the Committee on Foreign Relations.

By Mr. MANCHIN (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. JONES, Mr. CARPER, Ms. BALDWIN, Mr. BROWN, Mr. KAINE, Mr. UDALL, Mr. DURBIN, Mr. REED, Mr. VAN HOLLEN, Mr. SANDERS, Mr. HEINRICH, Mr. BENNETT, Ms. KLOBUCHAR, Ms. SMITH, Mr. TESTER, Mrs. McCASKILL, Ms. HIRONO, Ms. WARREN, Mr. DONNELLY, Mr. CASEY, Mr. MURPHY, Ms. CORTEZ MASTO, Mr. KING, Mr. LEAHY, Ms. DUCKWORTH, Mr. WHITEHOUSE, Mr. MARKEY, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. CARDIN, Mr. MENENDEZ, Mr. BOOKER, Ms. HASSAN, Ms. HARRIS, Ms. STABENOW, Mr. PETERS, and Mr. MERKLEY):

S. Res. 734. A resolution authorizing the Senate Legal Counsel to represent the Senate in Texas v. United States, No. 4:18-cv-00167-O (N.D. Tex.); to the Committee on Rules and Administration.

By Mr. MARKEY (for himself, Mr. RUBIO, Mr. CARDIN, Ms. COLLINS, and Mr. MERKLEY):

S. Res. 735. A resolution condemning the mass atrocities committed against the Rohingya in Burma and urging accountability for the Burmese military; to the Committee on Foreign Relations.

By Mr. GARDNER (for himself and Mr. COONS):

S. Res. 736. A resolution urging the establishment of a Cyber League of Indo-Pacific States to address cyber threats; to the Committee on Foreign Relations.

By Mr. KING (for himself, Ms. COLLINS, and Ms. WARREN):

S. Res. 737. A resolution recognizing the 75th anniversary of the establishment of the

United States Cadet Nurse Corps and expressing the appreciation of the Senate for the contribution of the members of the United States Cadet Nurse Corps during World War II; considered and agreed to.

By Mr. GRAHAM (for himself, Mrs. SHAHEEN, Mr. COTTON, Mrs. ERNST, Mr. RUBIO, Mr. KING, Mr. CORKER, and Mr. REED):

S. Res. 738. A resolution expressing the sense of the Senate that the United States should continue its limited military activities within Syria and that ending such activities at this time would embolden ISIS, Bashar al-Assad, Iran, and Russia and put our Kurdish allies in great jeopardy; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 413

At the request of Mrs. CAPITO, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 413, a bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies.

S. 760

At the request of Mr. SCHATZ, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 760, a bill to expand the Government's use and administration of data to facilitate transparency, effective governance, and innovation, and for other purposes.

S. 796

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 910

At the request of Mr. GARDNER, his name was added as a cosponsor of S. 910, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1351, a bill to amend the Public Health Service Act with respect to the designation of general surgery shortage areas, and for other purposes.

S. 1906

At the request of Mr. MARKEY, the names of the Senator from Minnesota (Ms. SMITH), the Senator from Mississippi (Mr. WICKER), the Senator from Virginia (Mr. KAINE), the Senator from Virginia (Mr. WARNER), the Senator from Georgia (Mr. PERDUE), the Senator from Washington (Ms. CANTWELL), the Senator from Michigan (Mr. PETERS), the Senator from Kansas (Mr. ROBERTS) and the Senator from Connecticut (Mr. BLUMENTHAL) 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. 2018

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2018, a bill to amend the Internal Revenue Code of 1986 to make the child tax credit fully refundable, establish an increased child tax credit for young children, and for other purposes.

S. 2046

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2046, a bill to amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes.

S. 2918

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

S. 3178

At the request of Ms. HARRIS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 3178, a bill to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

S. 3313

At the request of Mr. SANDERS, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 3313, a bill to improve dental care provided to veterans by the Department of Veterans Affairs, and for other purposes.

S. 3363

At the request of Ms. HARRIS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3363, a bill to support States in their work to end preventable morbidity and mortality in maternity care by using evidence-based quality improvement to protect the health of mothers during pregnancy, childbirth, and in the postpartum period and to reduce neonatal and infant mortality, to eliminate racial disparities in maternal health outcomes, and for other purposes.

S. 3584

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3584, a bill to amend the Higher Education Act of 1965 in order to increase usage of the Federal student loan income-based repayment plan and improve repayment options for borrowers, and for other purposes.

S. 3612

At the request of Mr. KAINE, the names of the Senator from New Hamp-

shire (Ms. HASSAN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 3612, a bill to amend the Fair Housing Act to prohibit discrimination based on source of income or veteran status.

S. 3622

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3622, a bill to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China.

At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3622, *supra*.

S. 3636

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3636, a bill to amend the Internal Revenue Code of 1986 to provide matching payments for retirement savings contributions by certain individuals.

S. 3638

At the request of Mr. KYL, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 3638, a bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on estates, gifts, and generation-skipping transfers.

S. 3707

At the request of Mr. PORTMAN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 3707, a bill to direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes.

S. 3729

At the request of Ms. WARREN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3729, a bill to recognize and honor the service of individuals who served in the United States Cadet Nurse Corps during World War II, and for other purposes.

S. 3768

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of 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.

S. 3771

At the request of Mr. WYDEN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of 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.

S. 3777

At the request of Mr. BOOZMAN, the names of the Senator from Colorado

(Mr. BENNET), the Senator from Kansas (Mr. MORAN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of 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.

S. RES. 109

At the request of Mr. COONS, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. Res. 109, a resolution encouraging the Government of Pakistan to release Aasiya Noreen, internationally known as Asia Bibi, and reform its religiously intolerant laws regarding blasphemy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3779. A bill to establish a voluntary program that strengthens the economy, public health, and environment of the United States by reducing emissions from wood heaters, and for other purposes; to the Committee on Environment and Public Works.

Mr. CARPER. Mr. President, I rise to talk about the Wood Heater Emissions Reduction Act, or WHERA, which I am introducing today with my good friend (Ms. MURKOWSKI), the senior Senator from Alaska.

In 2005, my dear friend, former Senator Voinovich, came to me with a great idea—the Diesel Emissions Reduction Act, or DERA. DERA didn't roll back emissions standards for diesel engines, but instead created an Environmental Protection Agency (EPA) grant program to incentivize the use of newer diesel technology. Together, and joined by many of my colleagues that are still serving in the Senate today, we established one of the most successful clean air programs on the books. This program is one that is loved by retailers, manufactures, States and health groups alike.

As many of my colleagues know, I'm someone that is always trying to find out what works and do more of it. When my staff explained to me the public health challenges that residential wood heaters present to communities, especially rural communities across this country; I knew the challenges were very similar to the ones we faced with diesel engines in 2005. I knew if DERA could be a successful program to retrofit or replace old diesel engines, we could use the program as a framework to replace residential wood heaters.

Like the eleven million old diesel engines that were on the road a decade ago, there are over eleven million homes that use wood as a primary or secondary heat source, and a majority of those homes are located in rural

areas. These residential wood heaters, such as woodstoves, pellet stoves and wood furnaces, often have a long lifespan, some lasting more than fifty years. Due to this long lifespan, industry estimates that six million residential wood heaters in operation today do not meet 1988 EPA Clean Air Act emission standards, much less the current emissions standards implemented in 2015.

Collectively, older residential wood heaters are a major source of air pollution in the United States, especially in rural areas. According to EPA, older, inefficient residential wood heaters can produce a deadly mix of particulate matter (or PM), carbon monoxide, volatile organic compounds (which contribute to ozone), black carbon (which contributes to climate change) and air toxics (such as benzene and formaldehyde). This pollution builds up inside and outside the home and contaminates the air we breathe. This pollution can trigger asthma attacks and cause lung damage, cancer, and other significant health problems, including death.

As other industries clean up their air emissions, older, inefficient residential wood heaters stand out among the largest sources of PM pollution. EPA data indicate that nation-wide, inefficient residential wood heaters emit five times more PM pollution than the U.S. petroleum refineries, cement manufacturers, and pulp and paper plants combined. In Delaware alone, older wood heaters are the second largest source of PM pollution in the state, contributing more than highway vehicles, electric utilities and the petroleum industries combined. In Alaska, inefficient woodstoves and wood heaters play a significant role in the classification of Fairbanks as a nonattainment area for fine particulate air pollution.

Fortunately, technology made and sold in the U.S. can dramatically reduce the pollution that is emitted from residential wood heaters and the amount of wood needed to heat a home. Wood heaters being made today that meet EPA's strictest emission standards emit at least 70% less PM and save consumers twenty to forty percent in heating costs from gained efficiencies. If we could encourage all homeowners to use the latest residential wood heater technology, it could have a massive beneficial effect on public health. EPA has determined that replacing just one old, inefficient wood heater is equivalent to taking five dirty diesel engines off the road and the monetized public health benefits from replacing the Nation's old, inefficient residential wood heaters would be up to \$126 billion per year. Baser on all that we know, it is clear that replacing older stoves for newer, cleaner burning stoves will result in cleaner air, lower healthcare bills and lower costs for consumers.

Unfortunately, as with old diesel engine owners, most homeowners are not aware of the health problems associ-

ated with their old wood heaters or cannot afford to buy a new wood heater on their own. This means that newer, cleaner heaters are not getting into homes fast enough. The Carper-Murkowski Wood Heater Emissions Reduction Act attempts to solve this problem.

WHERA authorizes a five-year grant program at EPA to incentivize the removal and replacement of old, inefficient residential wood heaters for more efficient, clean-burning heaters. Specifically, WHERA funding targets incentives to: (1) scrap or recycle old wood heaters; and (2) replace them with new, efficient, clean burning and properly installed heaters that at least meet EPA's most stringent wood heater emission standards. Using the successful Diesel Emissions Reduction Act as a model, WHERA allows States, Indian tribes, territories, and local air quality agencies to compete for Federal dollars to fund wood heater change-out programs that work for their communities.

WHERA also supports retailers and manufacturers with the transition to cleaner, more efficient residential wood heaters. WHERA incentivizes homeowners to buy the best available residential wood heater products—when they might not otherwise do so—giving financial incentives for retailers and manufacturers to sell and make the best products. Overall, the residential wood heater industry has been supportive of such wood heater change-out programs at the State and local level.

Because rural areas and tribal areas have a disproportionate need, WHERA also requires that Indian tribal and rural communities are fairly represented in funding allocations and that Indian tribal governments receive at least 4% of total funding under the program.

My friend from Alaska and I feel that we've put together a program that will be as, or more, successful than the DERA program. Replacing outdated wood heaters with new clean-burning heaters that meet EPA emission standards will reduce toxic air pollution and particulate matter, protect public health, and support American jobs. This legislation is a true win-win-win, and one that I commend to my colleagues for their serious consideration.

By Mr. DURBIN:

S. 3784. A bill to address the needs of workers in industries likely to be impacted by rapidly evolving technologies; to the Committee on Health, Education, Labor, and Pensions.

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. 3784

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 "Investing in Tomorrow's Workforce Act of 2018".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In 2014, the United States spent just 0.1 percent of the Nation's Gross Domestic Product on labor market policies, less than half of what the United States spent on labor market policies 30 years ago.

(2) The number of workers receiving federally supported training has declined in the past 3 decades as advances in technology have simultaneously shifted labor market demand over time.

(3) As much as 47 percent of all jobs in the United States are at risk of being replaced by automation technology, and job losses from automation are more likely to impact workers making less than \$40,000 annually.

(4) Strong Federal investment in expanding training services for workers whose jobs may be lost due to automation could prepare the United States workforce to better adapt to changes in the labor market and enter into skilled positions in technologically-oriented occupations and industries.

(5) A focus on preparing the workforce of the United States for jobs that utilize advanced technologies could grow wages, increase economic productivity, and boost the competitiveness of the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) **AUTOMATION.**—The term "automation" means a device, process, or system that functions without continuous input from an operator, including—

(A) advanced technologies, such as—

(i) data collection, classification processing, and analytics; and

(ii) 3-D printing, digital design and simulation, and digital manufacturing;

(B) robotics, including collaborative robotics, and worker augmentation technology;

(C) autonomous vehicle technology; or

(D) autonomous machinery technology.

(2) **DISLOCATED WORKER.**—The term "dislocated worker" has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) **IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.**—The term "in-demand industry sector or occupation" has the meaning given the term in section 3 of that Act.

(4) **INTEGRATED EDUCATION AND TRAINING.**—The term "integrated education and training" has the meaning given the term in section 3 of that Act.

(5) **ELIGIBLE PARTNERSHIP.**—The term "eligible partnership" means an industry or sector partnership, as defined in section 3 of that Act, except that—

(A) for purposes of applying paragraph (26)(A)(iii) of that section, the term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

(B) the partnership shall include representatives of—

(i) a State workforce development board or a local workforce development board; and

(ii) an economic development organization.

(6) **LOCAL AND STATE WORKFORCE DEVELOPMENT BOARDS.**—The terms "local workforce development board" and "State workforce development board" have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Labor.

(8) **TRAINING SERVICES.**—The term "training services" means training services described in section 134(c)(3)(D) of that Act (29 U.S.C. 3174(c)(3)(D)).

SEC. 4. GAO STUDY ON BARRIERS TO AND OPPORTUNITIES FOR RETRAINING WORKERS.

(a) **STUDY.**—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the barriers to providing, and opportunities for improving, training for workers in industries that have, or are likely to have, high rates of job loss due to automation.

(2) CONTENTS.—In conducting the study, the Comptroller General shall study—

(A) considerations impacting, and strategies to improve data collection with respect to, the workforce in industries with high rates of job loss or a high likelihood of automation in the United States, including considerations and data collection strategies concerning—

(i) industries and occupations most likely to be impacted by automation, including—

(I) the geographical location of those industries and occupations;

(II) the annual average wages of those occupations; and

(III) demographic data on the race, gender, and age of workers in those industries and occupations;

(ii) employer-based training practices in those industries and occupations;

(iii) the frequency with which employers provide worker training to address skills needs and react to changes in the labor market; and

(iv) projected job losses;

(B) considerations impacting, and strategies to improve data collection with respect to, the workforce in in-demand industry sectors and occupations in the United States, such as advanced manufacturing, information technology, and health care, including considerations and data collection strategies concerning—

(i) industry sectors and occupations that may emerge or become in-demand industry sectors or occupations as a result of automation, including—

(I) the geographical location of those industry sectors and occupations;

(II) the average annual wages of those occupations; and

(III) demographic data on the race, gender, and age of workers in those occupations;

(ii) the skills and education needed to fill the positions in those industries;

(iii) employer-based training practices in those industry sectors; and

(iv) projected job gains;

(C) barriers to, and opportunities for, retraining workers in industries that have a high likelihood of being impacted by automation;

(D) the impact of the geographical location of workers and their access to transportation on the ability of the workers to access job training and related higher-skilled positions;

(E) the impact of workers' access to other benefits and services, including child care, paid sick leave, paid family and medical leave, or a retirement plan, on the ability of the workers to access job training and related higher-skilled positions; and

(F) how reduced Federal funding for job training programs has impacted the ability of State and local governments, employers, and communities to respond to changes in the labor market, including rapidly evolving technologies.

(b) REPORT.—On completion of the study required by subsection (a), the Comptroller General of the United States shall prepare and submit to the appropriate committees of Congress a report concerning the results of the study.

SEC. 5. GRANTS TO IMPROVE TRAINING FOR WORKERS IMPACTED BY AUTOMATION.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From the amounts appropriated under subsection (g), the Secretary of Labor shall award grants, on a competitive basis, to eligible partnerships to support

demonstration and pilot projects relating to the training needs of workers who are, or are likely to become, dislocated workers as a result of automation.

(2) DURATION.—A grant awarded under this section shall be for a period not to exceed 3 years.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible partnership shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the demonstration or pilot project to be completed with the grant funds, which description shall include—

(A) a description of the members of the eligible partnership who will be involved in the demonstration or pilot program and the services each member will provide;

(B) a description of the training services that will be available to individuals participating in the demonstration or pilot project, which may include—

(i) a plan to train dislocated workers from industries likely to be impacted by automation and transition the workers into regionally in-demand industry sectors or occupations; and

(ii) a plan to partner with local businesses to retrain, upskill, and re-deploy workers within an industry as an alternative to layoffs;

(C) a plan to provide workers with technology-based skills training, which may include training to provide skills related to coding, systems engineering, or information technology security, in addition to other skills; and

(D) a description of the goals that the eligible partnership intends to achieve to upskill workers and prepare them for in-demand industry sectors or occupations.

(c) PRIORITIES.—In awarding grants under this section, the Secretary shall give priority to—

(1) eligible partnerships that are located in an area with a high concentration of—

(A) industries with a higher likelihood of being impacted by automation; or

(B) industries included in in-demand industry sectors, as determined under subparagraphs (A)(i) and (B) of section 3(23) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(23));

(2) eligible partnerships—

(A) with a plan to provide incumbent worker training—

(i) to assist workers in obtaining the skills necessary to retain employment or avert layoffs; or

(ii) that allows a worker working for an employer to acquire new skills that allow the worker to obtain a higher-skilled or higher-paid position with such employer; and

(B) that partner with local employers that intend to backfill the pre-training positions of the incumbent workers by hiring new workers to fill those positions;

(3) eligible partnerships that will provide workers with a transportation stipend, paid sick leave, paid family and medical leave, access to child care services, or other employment benefits; or

(4) eligible partnerships with a plan to develop a shared training curriculum that can be used across local and regional networks of employers and training providers.

(d) USE OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds for 1 or more of the following:

(1) Providing training services under the demonstration or pilot project, which may include training services that prepare work-

ers for in-demand industry sectors or occupations.

(2) Providing assistance for employers in developing a staff position for an individual who will be responsible for supporting training services provided under the grant.

(3) Purchasing equipment or technology necessary for training services provided under paragraph (1).

(4) Providing job search and other transitional assistance to workers in industries with high rates of job loss.

(5) Providing a training stipend to workers for training services.

(6) Providing integrated education and training.

(e) REPORT.—Not later than 1 year after an eligible partnership's completion of a demonstration or pilot project supported under this section, the eligible partnership shall prepare and submit to the Secretary a report regarding—

(1) the number of workers who received training services through the demonstration or pilot project, disaggregated by type of training service and the age, gender, and race of the workers;

(2) the number of such workers who successfully transitioned into a new position following completion of the training services;

(3) the number of individuals who successfully transitioned into an in-demand industry sector or occupation following completion of the training services;

(4) annual earnings data for individuals who have completed training services through the demonstration or pilot project;

(5) the percentage of individuals described in paragraph (4) who are in education or training activities, or in employment, during the second quarter after exit from the training services;

(6) the percentage of individuals described in paragraph (4) who are in education or training activities, or in employment, during the fourth quarter after exit from the training services; and

(7) any practices used by the partnership that should be considered best practices with respect to training workers in industries that have, or are expected to have, high rates of job loss as a result of automation.

(f) GENERAL REQUIREMENTS.—An eligible partnership that receives a grant under this section shall use the grant funds in a manner that is consistent with the labor standards and protections described in section 181 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241) and nondiscrimination provisions described in section 188 of such Act (29 U.S.C. 3248).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for the first 5 full fiscal years after the date of enactment of this Act.

SEC. 6. EXPANSION OF WORKER TRAINING SERVICES.

(a) ADULT AND DISLOCATED WORKER EMPLOYMENT AND TRAINING.—Section 134(d)(1)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(1)(A)) is amended—

(1) in clause (xi), by striking “and” at the end;

(2) in clause (xii), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(xiii) training programs for individuals who are, or are likely to become, dislocated workers as a result of automation, including activities that prepare the individuals for occupations in the technology sector.”.

(b) NATIONAL DISLOCATED WORKER GRANTS.—Section 170 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3225) is amended—

(1) in subsection (b)(1)(A), by inserting “advances in automation technology,” before “plant closures.”; and

(2) by adding at the end the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any funds reserved under section 132(a)(2)(A) to carry out this section, there are authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2018 through 2020.”.

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

S. 3793. A bill to acknowledge the rights of States with respect to sports wagering and to maintain a distinct Federal interest in the integrity and character of professional and amateur sporting contests, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, on May 14, 2018, the Supreme Court in *Murphy v. NCAA*, 138 S. Ct. 1461, 2018, struck down the Federal prohibition of State-authorized sports wagering schemes. I was one of four original authors of that prohibition, the Professional and Amateur Sports Protection Act of 1992, Public Law 102-559; 106 Stat. 4227, which found that “sports gambling conducted pursuant to State law threatens the integrity and character of, and public confidence in, professional and amateur sports, instills inappropriate values in the Nation’s youth, misappropriates the goodwill and popularity of professional and amateur sports organizations, and dilutes and tarnishes the service marks of such organizations.”

Today, I joined with Senator CHUCK SCHUMER to introduce the Sports Wagering Market Integrity Act of 2018, a comprehensive legislative response to the *Murphy* decision. This legislation is the product of nearly one year of discussions with stakeholders on all sides of the issue, the gaming industry, professional and amateur sports leagues, consumer advocates, data providers, law enforcement, and many others.

I would urge my soon-to-be former colleagues and other Members of Congress, should they choose to take up this issue, to use the bill I have introduced today as a starting point for their work, but recognize that there is much work to be done, and I would anticipate that any final legislation might look very different from the bill that was introduced today. For example, the degree to which the Department of Justice or other Federal agencies need to be involved in overseeing state sports wagering regimes, the appropriate level of control that sports organizations should have over sports wagering, and the basis for requiring the use of so-called official league data continue to be open questions in my mind. I do not necessarily believe that those and other provisions introduced in the bill today reflect a final decision regarding the appropriate policy. But these provisions do flag many of the difficult issues to be considered as part of the sports wagering discussion. I would urge my colleagues not to be dis-

couraged by the challenges and competing interests, and I look forward to being supportive of future congressional efforts to engage on this issue.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 733—CALLING ON THE GOVERNMENT OF CAMEROON, ARMED SEPARATIST GROUPS, AND ALL CITIZENS TO RESPECT HUMAN RIGHTS AND ADOPT NONVIOLENT APPROACHES TO CONFLICT RESOLUTION

Mr. CARDIN (for himself, Mr. YOUNG, Mr. VAN HOLLEN, Mr. COONS, Mr. MARKEY, Mr. BOOKER, and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 733

Whereas the Government of Cameroon has repeatedly restricted freedoms of expression nationwide by shutting down the internet, harassing and detaining journalists, refusing licenses to independent media, and intensifying political attacks against the independent press;

Whereas, following Cameroon’s October 7, 2018, elections, the African Union Election Observation Mission stated that “the current framework needs to be strengthened in order to safeguard the democratic principles of separation of powers, fairness, and independence and impartiality,” which the Department of State echoed, emphasizing the need to “respect the rule of law, resolve peacefully any disputes through established legal channels, and avoid hate speech”.

Whereas Anglophone Cameroonians have long felt marginalized by official actions and policies of the Government of Cameroon;

Whereas, beginning in late 2016, protests organized by lawyers, teachers, and students were violently repressed by the Government of Cameroon, leading to numerous deaths and imprisonments, including journalists and lawyers;

Whereas, in January 2017, the Government of Cameroon ordered the suspension of Internet services in the Northwest and Southwest regions of Cameroon, the suspension lasting for 93 days and having a major, debilitating effect on the economy, educational institutions, freedom of expression, and social communication of the region’s residents;

Whereas the conflict escalated in late September and early October 2017, when Cameroonian security forces brutally cracked down on unarmed civilians peacefully demonstrating, resulting in at least 20 people dying and leaving over 100 injured;

Whereas, in 2017, armed separatist groups launched a campaign to pressure school officials in the Anglophone region to go on strike as part of a boycott against the Government of Cameroon, and began burning school buildings and threatening education officials with violence if they did not comply with a boycott of schools in the Anglophone regions;

Whereas human rights monitors have documented armed groups killing traditional leaders and targeting civilians who are perceived to be supporting or working with the Government of Cameroon, and reports indicate that armed militants have killed Cameroonian security force personnel;

Whereas numerous credible reports from human rights monitors, including the United Nations High Commissioner for Human

Rights, have documented the excessive use of force by Government of Cameroon security forces against Cameroonians living in the Anglophone regions, including the burning of villages, the use of live ammunition against protestors, arbitrary arrest and detention, torture, and sexual abuse;

Whereas the Department of State has expressed serious concern over the Government of Cameroon’s use of force to restrict free expression, and the use of violence against individuals protesting the Government’s policies in the Anglophone regions;

Whereas both the Government of Cameroon security forces and armed groups have been documented targeting and brutally killing civilians in the Anglophone regions, including women and children;

Whereas United States citizen Charles Wesco was senselessly killed near the town of Bamenda, Cameroon on October 30, 2018, after being caught in what the Department of State has characterized as “cross fire”;

Whereas the United Nations Office for the Coordination of Humanitarian Affairs stated in November 2018 that at least 437,000 people were internally displaced in areas affected by the Anglophone conflict;

Whereas the Office of the United Nations High Commissioner for Refugees reported that it had registered more than 29,000 Cameroonian refugees from the Anglophone regions in Nigeria as of late October 2018;

Whereas 47 Anglophone activists were forcibly returned from Nigerian custody to Cameroonian authorities, despite many having reportedly submitted asylum claims in Nigeria; and

Whereas 10 of the 47 individuals forcibly returned from Nigeria now face charges punishable by the death penalty, while the other 37 reportedly remain in detention without charge: Now, therefore, be it

Resolved, That the Senate—

(1) urges all parties to the conflict in Cameroon, including political opposition groups, to—

(A) agree to an immediate ceasefire;

(B) allow for unfettered humanitarian assistance;

(C) exercise restraint and ensure that protests remain peaceful; and

(D) engage in inclusive dialogue with civil society to get to a political solution that respects the rights and freedoms of the people of Cameroon;

(2) strongly condemns the abuses committed by the Government of Cameroon, security forces, and armed separatist groups in the Anglophone regions, including extrajudicial killings and detentions, the use of force against nonviolent civilians and protestors, and violations of the freedoms of press, expression, and assembly;

(3) affirms that the United States Government continues to hold the Government of Cameroon responsible for upholding the rights of all citizens, regardless of political views or beliefs or the regions in which they reside;

(4) urges the Government of Cameroon to—

(A) initiate a credible, inclusive, good, and full faith effort to work with religious and community leaders in the Anglophone region to engage in meaningful dialogue and address grievances and seek nonviolent solutions to resolve the conflict, including possibly involving an independent mediator in such negotiations;

(B) respect the fundamental rights of all Cameroonian citizens, including political activists and journalists;

(C) ensure that any security operations are conducted in accordance with international human rights standards, including efforts to ensure security forces only use force under appropriate circumstances;

(D) investigate all allegations of human rights violations committed in the Anglophone regions and take the necessary measures to prevent arbitrary detention, torture, enforced disappearances, deaths in custody, and inhumane prison conditions;

(E) to promote the rule of law through more transparent accountability mechanisms;

(F) promptly charge or release all those detained in the context of the Anglophone crisis, including all Anglophone activists arrested in Nigeria, and ensure that any future detainees are treated with due process, in accordance with Cameroon's penal code and international human rights norms;

(G) ensure that detainees are treated fairly and humanely, with proper judicial proceedings, including a registry of those detained by the Cameroonian security forces, and with full access to legal resources;

(H) release human rights defenders, civil society activists, political prisoners, journalists, trade unionists, teachers, and any other citizens who have been arbitrarily arrested and detained without trial or charge; and

(I) work with United States law enforcement to thoroughly investigate and prosecute Charles Wesco's murder; and

(5) urges the separatist groups in Anglophone areas to—

(A) engage with government officials to peacefully express grievances and credibly engage in nonviolent efforts to resolve the conflict;

(B) immediately stop committing human rights abuses, including killings of civilians, torture, kidnapping, and extortion;

(C) end the school boycott and immediately cease attacks on schools, teachers, and education officials, and allow for the safe return of all students to class; and

(D) immediately release all civilians illegally detained or kidnapped.

SENATE RESOLUTION 734—AUTHORIZING THE SENATE LEGAL COUNSEL TO REPRESENT THE SENATE IN TEXAS V. UNITED STATES, NO. 4:18-CV-00167-O (N.D. TEX.)

Mr. MANCHIN (for himself, Mr. SCHUMER, Mrs. MURRAY, Mr. WYDEN, Mr. JONES, Mr. CARPER, Ms. BALDWIN, Mr. BROWN, Mr. KAINE, Mr. UDALL, Mr. DURBIN, Mr. REED, Mr. VAN HOLLEN, Mr. SANDERS, Mr. HEINRICH, Mr. BENNET, Ms. KLOBUCHAR, Ms. SMITH, Mr. TESTER, Mrs. MCCASKILL, Ms. HIRONO, Ms. WARREN, Mr. DONNELLY, Mr. CASEY, Mr. MURPHY, Ms. CORTEZ MASTO, Mr. KING, Mr. LEAHY, Ms. DUCKWORTH, Mr. WHITEHOUSE, Mr. MARKEY, Mr. BLUMENTHAL, Mrs. SHAHEEN, Mr. CARDIN, Mr. MENENDEZ, Mr. BOOKER, Ms. HASSAN, Ms. HARRIS, Ms. STABENOW, Mr. PETERS, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 734

Whereas Texas, Wisconsin, Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Paul LePage (Governor of Maine), Mississippi (by and through Governor Phil Bryant), Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and West Virginia have filed suit in the United States District Court for the Northern District of Texas, arguing that the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119), is unconstitutional and should be

enjoined, by asserting that the Act's requirement to maintain minimum essential coverage (commonly known as the "individual responsibility provision") in section 5000A(a) of the Internal Revenue Code of 1986, is unconstitutional following the amendment of that provision by the Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Public Law 115-97) (commonly known as the "Tax Cuts and Jobs Act");

Whereas these State and individual plaintiffs also seek to strike down the entire Patient Protection and Affordable Care Act as not severable from the individual responsibility provision;

Whereas, on June 7, 2018, the Department of Justice refused to defend the constitutionality of the amended individual responsibility provision, despite the well-established duty of the Department to defend Federal statutes where reasonable arguments can be made in their defense;

Whereas the Department of Justice not only refused to defend the amended individual responsibility provision, but it affirmatively argued that this provision is unconstitutional and that the provisions of the Patient Protection and Affordable Care Act guaranteeing issuance of insurance coverage regardless of health status or pre-existing conditions (commonly known as the "guaranteed issue provision"), sections 2702, 2704, and 2705(a) of the Public Health Service Act (42 U.S.C. 300gg-1, 300gg-3, 300gg-4(a)), and prohibiting discriminatory premium rates (commonly known as the "community rating provision"), sections 2701 and 2705(b) of the Public Health Service Act (42 U.S.C. 300gg(a)(1), 300gg-4(b)) must now be struck down as not severable from the individual responsibility provision; and

Whereas the district court in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.) issued an order on December 14, 2018 declaring that the individual responsibility provision in section 5000A(a) of the Internal Revenue Code of 1986 is unconstitutional and that all the provisions of the Patient Protection and Affordable Care Act are not severable and therefore are invalid: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Senate in *Texas v. United States*, No. 4:18-cv-00167-O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter and related proceedings; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SENATE RESOLUTION 735—CONDEMNING THE MASS ATROCITIES COMMITTED AGAINST THE ROHINGYA IN BURMA AND URGING ACCOUNTABILITY FOR THE BURMESE MILITARY

Mr. MARKEY (for himself, Mr. RUBIO, Mr. CARDIN, Ms. COLLINS, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 735

Whereas, in recent decades, the Rohingya people have lost, through systematic discrimination by Burmese national, state, and local authorities, a range of civil and political rights, including citizenship, and face barriers today such that they have been rendered stateless;

Whereas, beginning on August 25, 2017, the Government of Burma military and security forces, as well as civilian mobs, carried out widespread attacks, rapes, killings, and the burning of villages throughout Rakhine State, resulting in approximately 730,000 Rohingya fleeing to Bangladesh and bringing the total Rohingya refugee population in Cox's Bazar to over 900,000;

Whereas international observers widely agree that Burma has not made progress on the "more crucial" of the 88 recommendations of the Rakhine Advisory Commission that addresses the root causes of conflict and ensures the rights and dignity of the Rohingya: freedom of movement, civil documentation, and a transparent pathway to citizenship;

Whereas, since the beginning of the violence in August 2017, humanitarian and media access to Rakhine State has been extremely limited;

Whereas Reuters journalists Wa Lone and Kyaw Soe Oo were arrested on December 12, 2017, for their work to report on the Burmese military's violent campaign against the Rohingya;

Whereas, on November 14, 2018, Vice President Mike Pence said, "This is a tragedy that has touched the hearts of millions of Americans. The violence and persecution by military and vigilantes that resulted in driving 700,000 Rohingya to Bangladesh is without excuse."

Whereas, to date, though the refugee crisis is not of their making, the Government of Bangladesh has accommodated the rapid and massive influx of Rohingya refugees into Cox's Bazar;

Whereas Burma's civilian government, led by State Counsellor Aung San Suu Kyi and President Win Myint, has yet to take the necessary steps to address the violence directed against the Rohingya, has failed to create the necessary conditions for returns (including by actively impeding access to northern Rakhine by UNHCR, UNDP, humanitarian organizations, and journalists), and has failed to fully implement recommendations from the Rakhine Advisory Commission that address the root causes of conflict in Rakhine;

Whereas, on August 27, 2018, the United Nations International Fact Finding Mission on Myanmar released a report stating that, "The Mission concluded . . . that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State.";

Whereas, on August 25, 2018, Secretary of State Mike Pompeo stated that "[a] year ago, following deadly militant attacks, security forces responded by launching abhorrent ethnic cleansing of ethnic Rohingya in Burma," and continued, "The U.S. will continue to hold those responsible accountable. The military must respect human rights for Burma's democracy to succeed.";

Whereas, on August 17, 2018, the Department of the Treasury announced sanctions on five Tatmadaw officers and two Tatmadaw units for human rights abuses in Rakhine, Kachin, and Shan states;

Whereas, on September 24, 2018, the Department of State released a report entitled "Documentation of Atrocities in Northern Rakhine State" that stated the military "targeted civilians indiscriminately and often with extreme brutality" and that the violence in northern Rakhine State was "extreme, large-scale, widespread and seemingly geared toward both terrorizing the population and driving out the Rohingya residents" and that the "scope and scale of the

military's operations indicate that they were well-planned and coordinated”;

Whereas, on November 29, 2018, the Public International Law and Policy Group, which was contracted by the Department of State to collect evidence for the Department's report, issued its own report that concluded “there is a reasonable basis to conclude that war crimes, crimes against humanity, and genocide were committed against the Rohingya population”;

Whereas the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948, declares that genocide “means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group” and that “[t]he following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide”;

Whereas the United States Holocaust Memorial announced on December 3, 2018, that “there is compelling evidence that Burmese authorities have intentionally sought to destroy the Rohingya people because of their ethnic and religious identity,” and concluded there was compelling evidence genocide was committed: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the atrocities and displacement inflicted on Burma's Rohingya population by the Burmese military and security forces since August 2017;

(2) calls on the Secretary of State, based on credible evidence, to make a formal determination on whether the crimes committed since August 2017, amount to genocide;

(3) commends the role of the Government of Bangladesh in receiving Rohingya refugees to date and urges the Government of Bangladesh to continue allowing the full participation of UNHCR and human rights organization in accessing refugee camps;

(4) calls upon Facebook and other social media platforms to take the appropriate steps to guard against the dissemination of hate speech exploiting ethnic divisions in Burma;

(5) calls on the Government of Burma to immediately release Reuters journalists Wa Lone and Kyaw Soe Oo;

(6) urges the President to impose additional sanctions on senior members of Burma's military and security forces, including Burmese military owned companies and entities, who are responsible for genocide and human rights abuses against the Rohingya; and

(7) calls upon the President to maintain the status of the United States as a top international donor to the humanitarian response in Burma and Bangladesh and to submit a budget request for fiscal year 2020 that reflects that longstanding United States commitment.

SENATE RESOLUTION 736—URGING THE ESTABLISHMENT OF A CYBER LEAGUE OF INDO-PACIFIC STATES TO ADDRESS CYBER THREATS

Mr. GARDNER (for himself and Mr. COONS) submitted the following resolu-

tion; which was referred to the Committee on Foreign Relations.:

S. RES. 736

Whereas the world has benefitted greatly from technological innovations under the leadership of the United States in the post-World War era, including the creation of the World Wide Web which has provided an entirely new platform for wealth creation and human flourishing through cyber-commerce and connectivity;

Whereas cybercrime affects companies large and small, as well as infrastructure that is vital to the economy as a whole;

Whereas a 2018 study from the Center for Strategic and International Studies, in partnership with McAfee, estimates that the global economic losses from cybercrime are approximately \$600,000,000,000 annually and rising;

Whereas, according to the Pew Charitable Trust, 64 percent of people in the United States had fallen victim to cybercriminals as of 2017;

Whereas, on July 9, 2012, General Keith Alexander, then-Director of the National Security Agency, termed theft of United States intellectual property “the greatest transfer of wealth in history”;

Whereas, on September 25, 2015, the United States and the People's Republic of China announced a commitment that “neither country's government will conduct or knowingly support cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors”;

Whereas the People's Republic of China nonetheless continues to contribute to the rise of cybercrime, exploiting weaknesses in the international system to undermine fair competition in technology and cyberspace, including through theft of intellectual property and state-sponsored malicious actions to undermine and weaken competition;

Whereas, according to the 2018 Worldwide Threat Assessment by the Director of the National Intelligence: “China will continue to use cyber espionage and bolster cyber attack capabilities to support national security priorities. . . . China since 2015 has been advancing its cyber attack capabilities by integrating its military cyber attack and espionage resources in the Strategic Support Force, which it established in 2015”;

Whereas, from 2011 to 2018, more than 90 percent of cases handled by the Department of Justice alleging economic espionage by or to benefit a foreign country involved the People's Republic of China;

Whereas more than 3/5 of the cases handled by the Department of Justice involving theft of trade secrets have a nexus to the People's Republic of China;

Whereas experts have asserted that the Made in China 2025 strategy of the Government of the People's Republic of China will incentivize Chinese entities to engage in unfair competitive behavior, including additional theft of technologies and intellectual property;

Whereas the Democratic People's Republic of Korea has also contributed to the rise of cybercrime and according to the 2018 Worldwide Threat Assessment by the Director of the National Intelligence: “We expect the heavily sanctioned North Korea to use cyber operations to raise funds and to gather intelligence or launch attacks on South Korea and the United States. . . . North Korean actors developed and launched the WannaCry ransomware in May 2017, judging from technical links to previously identified North Korean cyber tools, tradecraft, and operational infrastructure. We also assess that these ac-

tors conducted the cyber theft of \$81 million from the Bank of Bangladesh in 2016”;

Whereas section 2(a)(8) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9201(a)(8)) states, “The Government of North Korea has provided technical support and conducted destructive and coercive cyberattacks, including against Sony Pictures Entertainment and other United States persons.”;

Whereas the United States has taken action on its own against international cybercrime, including through—

(1) the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122), which imposed mandatory sanctions against persons engaging in significant activities undermining cybersecurity on behalf of the Democratic People's Republic of Korea; and

(2) criminal charges filed by the Department of Justice on October 25, 2018, in which the Department alleged that the Chinese intelligence services conducted cyber intrusions against at least a dozen companies in order to obtain information on a commercial jet engine;

Whereas the March 2016 Department of State International Cyberspace Policy Strategy noted that “the Department of State anticipates a continued increase and expansion of our cyber-focused diplomatic efforts for the foreseeable future”;

Whereas concerted action by countries that share concerns about state-sponsored cyber theft is necessary to prevent the growth of cybercrime and other destabilizing national security and economic outcomes: Now, therefore, be it

Resolved, That the Senate—

(1) urges the President to propose and champion the negotiation of a treaty with like-minded partners in the Indo-Pacific to ensure a free and open Internet free from economically crippling cyberattacks;

(2) calls for the treaty, which can be referred to as the Cyber League of Indo-Pacific States (in this resolution referred to as “CLIPS”), to include the creation of an Information Sharing Analysis Center to provide around-the-clock cyber threat monitoring and mitigation for governments that are parties to the treaty; and

(3) calls for members of CLIPS—

(A) to consult on emerging cyber threats;

(B) to pledge not to engage in cyber theft;

(C) to introduce and enforce minimum criminal punishment for cyber theft;

(D) to extradite alleged cyber thieves;

(E) to enforce laws protecting software license holders;

(F) to ensure that government agencies use licensed software;

(G) to minimize data localization requirements (consistent with the Agreement between the United States of America, the United Mexican States, and Canada, signed at Buenos Aires November 30, 2018 (commonly known as the “United States-Mexico-Canada Agreement”));

(H) to accept international certifications as the basis for commercial information and communications technology reviews;

(I) to provide for public input when devising legislation on cybersecurity; and

(J) to cooperate on the attribution of cyberattacks and retribution to deter future attacks.

SENATE RESOLUTION 737—RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE UNITED STATES CADET NURSE CORPS AND EXPRESSING THE APPRECIATION OF THE SENATE FOR THE CONTRIBUTION OF THE MEMBERS OF THE UNITED STATES CADET NURSE CORPS DURING WORLD WAR II

Mr. KING (for himself, Ms. COLLINS, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 737

Whereas the personnel requirements of World War II created a shortage of nurses and, by 1942, it was evident that the pace of training for new nurses could not keep up with the demands of the military and civilian populations of the United States;

Whereas, as nurses vacated positions in hospitals, schools, and welfare agencies to meet the needs of the Armed Forces, an influx of millions of new workers to industrial areas created unprecedented public health challenges, and such challenges were exacerbated by a nursing capacity that was not sufficient to meet the demands of both the Armed Forces and essential civilian services;

Whereas the Act of June 15, 1943 (57 Stat. 153, chapter 126; commonly known as the "Bolton Act"), unanimously passed both houses of Congress;

Whereas the Bolton Act resulted in the establishment of the United States Cadet Nurse Corps, which was a uniformed service under the direction of the United States Public Health Service and operated from 1943 to 1948;

Whereas the United States Cadet Nurse Corps was open to minorities, including African Americans and Native Americans, because the Bolton Act included a provision restricting discrimination in the administration of the Act on account of race, creed, or color;

Whereas enrollment in the United States Cadet Nurse Corps required a commitment to serve for the duration of World War II, with each cadet taking the following pledge: "I will dedicate myself now and forever to the triumph of life over death; As a Cadet nurse, I pledge to my country my service in essential nursing for the duration of the war.";

Whereas an April 1944 memorandum from the Federal Security Agency identified "national recognition for rendering a vital war service" as a privilege of service in the United States Cadet Nurse Corps;

Whereas with more than 120,000 women enrolled in the United States Cadet Nurse Corps by the termination of the program, the United States Cadet Nurse Corps played an important role in overcoming the nursing shortage at military, Federal, and non-Federal hospitals across the United States; and

Whereas Surgeon General Thomas Parran, appearing before the Committee on Military Affairs of the House of Representatives in January 1945, highlighted the positive contribution of the United States Cadet Nurse Corps to the war effort by stating, "We cannot measure what the loss to the country would have been if [the] civilian nursing service had collapsed, any more than we could measure the cost of failure on the Normandy beachheads."; Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the formation of the United States Cadet Nurse Corps; and

(2) expresses appreciation for the vital contribution that the members of the United States Cadet Nurse Corps made to the war

effort by filling critical military and essential civilian nursing positions during the nursing shortage caused by World War II.

SENATE RESOLUTION 738—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD CONTINUE ITS LIMITED MILITARY ACTIVITIES WITHIN SYRIA AND THAT ENDING SUCH ACTIVITIES AT THIS TIME WOULD EMBOLDEN ISIS, BASHAR AL-ASSAD, IRAN, AND RUSSIA AND PUT OUR KURDISH ALLIES IN GREAT JEOPARDY

Mr. GRAHAM (for himself, Mrs. SHAHEEN, Mr. COTTON, Mrs. ERNST, Mr. RUBIO, Mr. KING, Mr. CORKER, and Mr. REED) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 738

Whereas ISIS has been dealt a serious blow in Iraq and Syria and is substantially damaged but not yet defeated;

Whereas the United States has a limited military presence in Syria with approximately 2,000 troops who serve as an insurance policy against future threats;

Whereas a precipitous withdrawal of United States Armed Forces from Syria will embolden radical jihadist groups in Syria and in the region;

Whereas it is in the vital national interest of the United States to continue to support partners, such as the Kurds, in Syria and other locations in the Global War on Terror;

Whereas a United States withdrawal will embolden the brutal dictatorship of Bashar al-Assad and bring more suffering to the people of Syria and the region;

Whereas a precipitous withdrawal of United States Armed Forces from Syria could lead to the release of hundreds of foreign terrorists currently detained by the Syrian Democratic Forces; and

Whereas it is in the national security interest of the United States to counter Iran's and Russia's influence in Syria and throughout the region: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to reconsider his decision to withdraw United States Armed Forces from Syria at this time; and

(2) urges any future decision to withdraw United States Armed Forces from Syria to be the result of a robust interagency process and to be conditions-based.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4163. Mr. MCCONNELL proposed an amendment to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes.

SA 4164. Mr. MCCONNELL proposed an amendment to amendment SA 4163 proposed by Mr. MCCONNELL to the bill H.R. 695, supra.

SA 4165. Mr. MCCONNELL proposed an amendment to the bill H.R. 695, supra.

SA 4166. Mr. MCCONNELL proposed an amendment to amendment SA 4165 proposed by Mr. MCCONNELL to the bill H.R. 695, supra.

SA 4167. Mr. MCCONNELL proposed an amendment to amendment SA 4166 proposed by Mr. MCCONNELL to the amendment SA 4165 proposed by Mr. MCCONNELL to the bill H.R. 695, supra.

SA 4168. Ms. HARRIS (for Mr. BOOKER) proposed an amendment to the bill S. 3178, to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, and for other purposes.

SA 4169. Mr. VAN HOLLEN (for himself, Mr. CARDIN, Ms. HIRONO, Mr. SCHATZ, Mr. KAINE, Mr. BROWN, Mrs. FEINSTEIN, Mr. MERKLEY, Mrs. MURRAY, Ms. WARREN, Mr. WARNER, Mr. UDALL, Mr. COONS, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4163 proposed by Mr. MCCONNELL to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; which was ordered to lie on the table.

SA 4170. Mr. CARDIN (for himself, Ms. HIRONO, Mr. SCHATZ, Mr. BROWN, Mr. KAINE, Mr. MERKLEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 4163 proposed by Mr. MCCONNELL to the bill H.R. 695, supra; which was ordered to lie on the table.

SA 4171. Mr. MCCONNELL (for Mr. JOHNSON (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 4174, to amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes.

SA 4172. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill H.R. 5509, to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes.

SA 4173. Mr. BOOZMAN (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 767, to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

SA 4174. Mr. BOOZMAN (for Mr. PORTMAN) proposed an amendment to the bill S. 1023, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2021, and for other purposes.

TEXT OF AMENDMENTS

SA 4163. Mr. MCCONNELL proposed an amendment to the bill H.R. 695 of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; as follows:

In lieu of the matter proposed to be inserted:

DIVISION A—FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2019

SEC. 101. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting "February 8, 2019"; and

(2) by adding after section 136 the following:

"SEC. 137. Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 and the timetable in section 254(a) of such Act, the final sequestration report for fiscal year 2019 pursuant to section 254(f)(1) of such Act and any order for fiscal year 2019 pursuant to section 254(f)(5) of such Act shall be issued, for the Congressional Budget Office, 10 days after the date

specified in section 105(3), and for the Office of Management and Budget, 15 days after the date specified in section 105(3).

“SEC. 138. The authority provided under title XXI of the Homeland Security Act of 2002 (6 U.S.C. 621 et seq.), as amended by section 2(a) of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (Public Law 113-254), shall continue in effect through the date specified in section 105(3).

“SEC. 139. Section 319L(e)(1)(A) of the Public Health Service Act (42 U.S.C. 247d-7e(e)(1)(A)) shall continue in effect through the date specified in section 105(3) of this Act.

“SEC. 140. Section 405(a) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d-6a note) shall continue in effect through the date specified in section 105(3) of this Act.”

This division may be cited as the “Further Additional Continuing Appropriations Act, 2019”.

DIVISION B—MEDICAID EXTENDERS

SEC. 101. EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) GENERAL FUNDING.—Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” after the semicolon;

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

(C) by adding at the end the following:

“(F) subject to paragraph (3), \$112,000,000 for fiscal year 2019.”;

(2) in paragraph (2)—

(A) by striking “Amounts made” and inserting “Subject to paragraph (3), amounts made”; and

(B) by striking “September 30, 2016” and inserting “September 30, 2021”; and

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

“(3) SPECIAL RULE FOR FY 2019.—Funds appropriated under paragraph (1)(F) shall be made available for grants to States only if such States have an approved MFP demonstration project under this section as of December 31, 2018.”.

(b) FUNDING FOR QUALITY ASSURANCE AND IMPROVEMENT; TECHNICAL ASSISTANCE; OVERSIGHT.—Section 6071(f) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by striking paragraph (2) and inserting the following:

“(2) FUNDING.—From the amounts appropriated under subsection (h)(1)(F) for fiscal year 2019, \$500,000 shall be available to the Secretary for such fiscal year to carry out this subsection.”.

(c) TECHNICAL AMENDMENT.—Section 6071(b) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following:

“(10) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.”.

SEC. 102. EXTENSION OF PROTECTION FOR MEDICAID RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES AGAINST SPOUSAL IMPOVERISHMENT.

(a) IN GENERAL.—Section 2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note) is amended by striking “the 5-year period that begins on January 1, 2014,” and inserting “the period beginning on January 1, 2014, and ending on March 31, 2019.”.

(b) RULE OF CONSTRUCTION.—

(1) PROTECTING STATE SPOUSAL INCOME AND ASSET DISREGARD FLEXIBILITY UNDER WAIVERS AND PLAN AMENDMENTS.—Nothing in section 2404 of Public Law 111-148 (42 U.S.C. 1396r-5 note) or section 1924 of the Social Security

Act (42 U.S.C. 1396r-5) shall be construed as prohibiting a State from disregarding an individual’s spousal income and assets under a State waiver or plan amendment described in paragraph (2) for purposes of making determinations of eligibility for home and community-based services or home and community-based attendant services and supports under such waiver or plan amendment.

(2) STATE WAIVER OR PLAN AMENDMENT DESCRIBED.—A State waiver or plan amendment described in this paragraph is any of the following:

(A) A waiver or plan amendment to provide medical assistance for home and community-based services under a waiver or plan amendment under subsection (c), (d), or (i) of section 1915 of the Social Security Act (42 U.S.C. 1396n) or under section 1115 of such Act (42 U.S.C. 1315).

(B) A plan amendment to provide medical assistance for home and community-based services for individuals by reason of being determined eligible under section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) or by reason of section 1902(f) of such Act (42 U.S.C. 1396a(f)) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care under which the State disregarded the income and assets of the individual’s spouse in determining the initial and ongoing financial eligibility of an individual for such services in place of the spousal impoverishment provisions applied under section 1924 of such Act (42 U.S.C. 1396r-5).

(C) A plan amendment to provide medical assistance for home and community-based attendant services and supports under section 1915(k) of such Act (42 U.S.C. 1396n(k)).

SEC. 103. REDUCTION IN FMAP AFTER 2020 FOR STATES WITHOUT ASSET VERIFICATION PROGRAM.

Section 1940 of the Social Security Act (42 U.S.C. 1396w) is amended by adding at the end the following new subsection:

“(k) REDUCTION IN FMAP AFTER 2020 FOR NON-COMPLIANT STATES.—

“(1) IN GENERAL.—With respect to a calendar quarter beginning on or after January 1, 2021, the Federal medical assistance percentage otherwise determined under section 1905(b) for a non-compliant State shall be reduced—

“(A) for calendar quarters in 2021 and 2022, by 0.12 percentage points;

“(B) for calendar quarters in 2023, by 0.25 percentage points;

“(C) for calendar quarters in 2024, by 0.35 percentage points; and

“(D) for calendar quarters in 2025 and each year thereafter, by 0.5 percentage points.

“(2) NON-COMPLIANT STATE DEFINED.—For purposes of this subsection, the term ‘non-compliant State’ means a State—

“(A) that is one of the 50 States or the District of Columbia;

“(B) with respect to which the Secretary has not approved a State plan amendment submitted under subsection (a)(2); and

“(C) that is not operating, on an ongoing basis, an asset verification program in accordance with this section.”.

SEC. 104. MEDICAID IMPROVEMENT FUND.

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w-1(b)(1)) is amended by striking “\$31,000,000” and inserting “\$6,000,000”.

SEC. 105. BUDGETARY EFFECTS.

(a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this division shall not be en-

tered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

(d) PAYGO ANNUAL REPORT.—For the purposes of the annual report issued pursuant to section 5 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 934) after adjournment of the second session of the 115th Congress, and for determining whether a sequestration order is necessary under such section, the debit for the budget year on the 5-year scorecard, if any, and the 10-year scorecard, if any, shall be deducted from such scorecard in 2019 and added to such scorecard in 2020.

SA 4164. Mr. McCONNELL proposed an amendment to amendment SA 4163 proposed by Mr. McCONNELL to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes, as follows:

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

SA 4165. Mr. McCONNELL proposed an amendment to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; as follows:

At the end add the following.

“This act shall be effective 2 days after enactment.”

SA 4166. Mr. McCONNELL proposed an amendment to amendment SA 4165 proposed by Mr. McCONNELL to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes, as follows:

Strike “2” and insert “3”

SA 4167. Mr. McCONNELL proposed an amendment to amendment SA 4166 proposed by Mr. McCONNELL to the amendment SA 4165 proposed by Mr. McCONNELL to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who,

related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes, as follows:

Strike “3 days” and insert “4 days”

SA 4168. Ms. HARRIS (for Mr. BOOKER) proposed an amendment to the bill S. 3178, to amend title 18, United States Code, to specify lynching as a deprivation of civil rights, 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 “Justice for Victims of Lynching Act of 2018”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The crime of lynching succeeded slavery as the ultimate expression of racism in the United States following Reconstruction.

(2) Lynching was a widely acknowledged practice in the United States until the middle of the 20th century.

(3) Lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States.

(4) At least 4,742 people, predominantly African Americans, were reported lynched in the United States between 1882 and 1968.

(5) Ninety-nine percent of all perpetrators of lynching escaped from punishment by State or local officials.

(6) Lynching prompted African Americans to form the National Association for the Advancement of Colored People (referred to in this section as the “NAACP”) and prompted members of B’nai B’rith to found the Anti-Defamation League.

(7) Mr. Walter White, as a member of the NAACP and later as the executive secretary of the NAACP from 1931 to 1955, meticulously investigated lynchings in the United States and worked tirelessly to end segregation and racialized terror.

(8) Nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century.

(9) Between 1890 and 1952, 7 Presidents petitioned Congress to end lynching.

(10) Between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures.

(11) Protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so.

(12) The publication of “Without Sanctuary: Lynching Photography in America” helped bring greater awareness and proper recognition of the victims of lynching.

(13) Only by coming to terms with history can the United States effectively champion human rights abroad.

(14) An apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged.

(15) Having concluded that a reckoning with our own history is the only way the country can effectively champion human rights abroad, 90 Members of the United States Senate agreed to Senate Resolution 39, 109th Congress, on June 13, 2005, to apologize to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.

(16) The National Memorial for Peace and Justice, which opened to the public in Mont-

gomery, Alabama, on April 26, 2018, is the Nation’s first memorial dedicated to the legacy of enslaved Black people, people terrorized by lynching, African Americans humiliated by racial segregation and Jim Crow, and people of color burdened with contemporary presumptions of guilt and police violence.

(17) Notwithstanding the Senate’s apology and the heightened awareness and education about the Nation’s legacy with lynching, it is wholly necessary and appropriate for the Congress to enact legislation, after 100 years of unsuccessful legislative efforts, finally to make lynching a Federal crime.

(18) Further, it is the sense of Congress that criminal action by a group increases the likelihood that the criminal object of that group will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Therefore, it is appropriate to specify criminal penalties for the crime of lynching, or any attempt or conspiracy to commit lynching.

(19) The United States Senate agreed to unanimously Senate Resolution 118, 115th Congress, on April 5, 2017, “[c]ondemning hate crime and any other form of racism, religious or ethnic bias, discrimination, incitement to violence, or animus targeting a minority in the United States” and taking notice specifically of Federal Bureau of Investigation statistics demonstrating that “among single-bias hate crime incidents in the United States, 59.2 percent of victims were targeted due to racial, ethnic, or ancestral bias, and among those victims, 52.2 percent were victims of crimes motivated by the offenders’ anti-Black or anti-African American bias”.

(20) On September 14, 2017, President Donald J. Trump signed into law Senate Joint Resolution 49 (Public Law 115-58; 131 Stat. 1149), wherein Congress “condemn[ed] the racist violence and domestic terrorist attack that took place between August 11 and August 12, 2017, in Charlottesville, Virginia” and “urg[ed] the President and his administration to speak out against hate groups that espouse racism, extremism, xenophobia, anti-Semitism, and White supremacy; and use all resources available to the President and the President’s Cabinet to address the growing prevalence of those hate groups in the United States”.

(21) Senate Joint Resolution 49 (Public Law 115-58; 131 Stat. 1149) specifically took notice of “hundreds of torch-bearing White nationalists, White supremacists, Klansmen, and neo-Nazis [who] chanted racist, anti-Semitic, and anti-immigrant slogans and violently engaged with counter-demonstrators on and around the grounds of the University of Virginia in Charlottesville” and that these groups “reportedly are organizing similar events in other cities in the United States and communities everywhere are concerned about the growing and open display of hate and violence being perpetrated by those groups”.

SEC. 3. LYNCHING.

(a) OFFENSE.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“§ 250. Lynching

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—If 2 or more persons willfully cause bodily injury to any other person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) each shall be imprisoned not more than 10 years, fined in accordance with this title, or both, if bodily injury results from the offense; or

“(B) each shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense or if the offense includes kidnapping or aggravated sexual abuse.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—If 2 or more persons, in any circumstance described in subparagraph (B), willfully cause bodily injury to any other person because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) each shall be imprisoned not more than 10 years, fined in accordance with this title, or both, if bodily injury results from the offense; or

“(ii) each shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if death results from the offense or if the offense includes kidnapping or aggravated sexual abuse.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a phone, the internet, the mail, or any other channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a phone, the internet, the mail, or any other channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct;

“(II) otherwise affects interstate or foreign commerce; or

“(III) occurs within the special maritime or territorial jurisdiction of the United States.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

“(b) ATTEMPT.—Whoever attempts to commit any offense under this section—

“(1) shall be imprisoned for not more than 10 years, fined in accordance with this title, or both; or

“(2) if the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be imprisoned for any term of years or for life, fined in accordance with this title, or both.

“(c) CONSPIRACY.—If 2 or more persons conspire to commit any offense under this section, and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

“(d) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by inserting after the item relating to section 249 the following:

“250. Lynching.”.

SA 4169. Mr. VAN HOLLEN (for himself, Mr. CARDIN, Ms. HIRONO, Mr. SCHATZ, Mr. KAINE, Mr. BROWN, Mrs. FEINSTEIN, Mr. MERKLEY, Mrs. MURRAY, Ms. WARREN, Mr. WARNER, Mr. UDALL, Mr. COONS, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4163 proposed by Mr. MCCONNELL to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . COLA.

(a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2019 under section 5303 of title 5, United States Code, shall be an increase of 1.4 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304 and 5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). All adjustments under this subsection shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2019.

(b) Notwithstanding section 737 of the Financial Services and General Government Appropriations Act, 2018 (division E of Public Law 115-141), the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2019 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303, 5304, and 5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303, 5304, and 5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as “Rest of U.S.” pursuant to section 5304 of such title 5 for purposes of this subsection.

(c) Funds used to carry out this section shall be paid from appropriations, which are

made to each applicable department or agency for salaries and expenses for fiscal year 2019.

SA 4170. Mr. CARDIN (for himself, Ms. HIRONO, Mr. SCHATZ, Mr. BROWN, Mr. KAINE, Mr. MERKLEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 4163 proposed by Mr. MCCONNELL to the bill H.R. 695, of 1993 to establish a voluntary national criminal history background check system and criminal history review program for certain individuals who, related to their employment, have access to children, the elderly, or individuals with disabilities, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EMPLOYEE PROTECTIONS DURING SHUTDOWNS.

(a) COMPENSATION FOR FEDERAL EMPLOYEES AFFECTED BY A LAPSE IN APPROPRIATIONS.—Section 1341 of title 31, United States Code, is amended—

(1) in subsection (a)(1), by striking “An officer” and inserting “Except as specified in this subchapter or any other provision of law, an officer”; and

(2) by adding at the end the following:

“(c)(1) In this subsection—

“(A) the term ‘covered lapse in appropriations’ means any lapse in appropriations that begins on or after February 8, 2019; and

“(B) the term ‘excepted employee’ means an excepted employee or an employee performing emergency work, as such terms are defined by the Office of Personnel Management.

“(2) Each Federal employee furloughed as a result of a covered lapse in appropriations shall be paid for the period of the lapse in appropriations, and each excepted employee who is required to perform work during a covered lapse in appropriations shall be paid for such work, at the employee’s standard rate of pay, at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.

“(3) During a covered lapse in appropriations, each excepted employee who is required to perform work shall be entitled to use leave under chapter 63 of title 5, or any other applicable law governing the use of leave by the excepted employee, for which compensation shall be paid at the earliest date possible after the lapse in appropriations ends, regardless of scheduled pay dates.”.

(b) RESTORATION OF USE-OR-LOSE LEAVE LOST BECAUSE OF A GOVERNMENT SHUTDOWN.—Section 6304(d)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by adding “or” at the end; and

(3) by inserting after subparagraph (C) the following:

“(D) the cancellation of paid leave scheduled during a lapse in appropriations for the department, agency, or other employing authority employing the employee, as required under subchapter III of chapter 13 of title 31;”.

SA 4171. Mr. MCCONNELL (for Mr. JOHNSON (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 4174, to amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal

data management, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Foundations for Evidence-Based Policy-making Act of 2018”.

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

Sec. 1. Short title; table of contents.

TITLE I—FEDERAL EVIDENCE-BUILDING ACTIVITIES

Sec. 101. Federal evidence-building activities.

TITLE II—OPEN GOVERNMENT DATA ACT

Sec. 201. Short title.

Sec. 202. Open Government data.

TITLE III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

Sec. 301. Short title.

Sec. 302. Confidential information protection and statistical efficiency.

Sec. 303. Increasing access to data for evidence.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Rule of construction.

Sec. 402. Use of existing resources.

Sec. 403. Effective date.

TITLE I—FEDERAL EVIDENCE-BUILDING ACTIVITIES

SEC. 101. FEDERAL EVIDENCE-BUILDING ACTIVITIES.

(a) IN GENERAL.—Chapter 3 of part I of title 5, United States Code, is amended—

(1) by inserting before section 301 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”; AND

(2) by adding at the end the following:

“SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

“§ 311. Definitions

“In this subchapter:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term ‘Executive agency’ under section 105.

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(3) EVALUATION.—The term ‘evaluation’ means an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency.

“(4) EVIDENCE.—The term ‘evidence’ has the meaning given that term in section 3561 of title 44.

“(5) STATE.—The term ‘State’ means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized governing body of any Indian Tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(6) STATISTICAL ACTIVITIES; STATISTICAL AGENCY OR UNIT; STATISTICAL PURPOSE.—The terms ‘statistical activities’, ‘statistical agency or unit’, and ‘statistical purpose’ have the meanings given those terms in section 3561 of title 44.

“§ 312. Agency evidence-building plan

“(a) REQUIREMENT.—The head of each agency shall include in the strategic plan required under section 306 a systematic plan for identifying and addressing policy questions relevant to the programs, policies, and regulations of the agency. Such plan shall contain the following:

“(1) A list of policy-relevant questions for which the agency intends to develop evidence to support policymaking.

“(2) A list of data the agency intends to collect, use, or acquire to facilitate the use of evidence in policymaking.

“(3) A list of methods and analytical approaches that may be used to develop evidence to support policymaking.

“(4) A list of any challenges to developing evidence to support policymaking, including any statutory or other restrictions to accessing relevant data.

“(5) A description of the steps the agency will take to accomplish paragraphs (1) and (2).

“(6) Any other information as required by guidance issued by the Director.

“(b) EVALUATION PLAN.—The head of each agency shall issue in conjunction with the performance plan required under section 1115(b) of title 31, an evaluation plan describing activities the agency plans to conduct pursuant to subsection (a) of this section during the fiscal year following the year in which the performance plan is submitted. Such plan shall—

“(1) describe key questions for each significant evaluation study that the agency plans to begin in the next fiscal year;

“(2) describe key information collections or acquisitions the agency plans to begin in the next fiscal year; and

“(3) any other information included in guidance issued by the Director under subsection (a)(6).

“(c) CONSULTATION.—In developing the plan required under subsection (a), the head of an agency shall consult with stakeholders, including the public, agencies, State and local governments, and representatives of nongovernmental researchers.

“§ 313. Evaluation Officers

“(a) ESTABLISHMENT.—The head of each agency shall designate a senior employee of the agency as the Evaluation Officer of the agency.

“(b) QUALIFICATIONS.—The Evaluation Officer of an agency shall be appointed or designated without regard to political affiliation and based on demonstrated expertise in evaluation methodology and practices and appropriate expertise to the disciplines of the agency.

“(c) COORDINATION.—The Evaluation Officer of an agency shall, to the extent practicable, coordinate activities with agency officials necessary to carry out the functions required under subsection (d).

“(d) FUNCTIONS.—The Evaluation Officer of each agency shall—

“(1) continually assess the coverage, quality, methods, consistency, effectiveness, independence, and balance of the portfolio of evaluations, policy research, and ongoing evaluation activities of the agency;

“(2) assess agency capacity to support the development and use of evaluation;

“(3) establish and implement an agency evaluation policy; and

“(4) coordinate, develop, and implement the plans required under section 312.

“§ 314. Statistical expertise

“(a) IN GENERAL.—The head of each agency shall designate the head of any statistical agency or unit within the agency, or in the case of an agency that does not have a statistical agency or unit, any senior agency official with appropriate expertise, as a statistical official to advise on statistical policy, techniques, and procedures. Agency officials engaged in statistical activities may consult with any such statistical official as necessary.

“(b) MEMBERSHIP ON INTERAGENCY COUNCIL ON STATISTICAL POLICY.—Each statistical official designated under subsection (a) shall

serve as a member of the Interagency Council on Statistical Policy established under section 3504(e)(8) of title 44.

“§ 315. Advisory Committee on Data for Evidence Building

“(a) ESTABLISHMENT.—The Director, or the head of an agency designated by the Director, shall establish an Advisory Committee on Data for Evidence Building (in this section referred to as the ‘Advisory Committee’) to review, analyze, and make recommendations on how to promote the use of Federal data for evidence building.

“(b) MEMBERSHIP.—The members of the Advisory Committee shall consist of the Chief Statistician of the United States, who shall serve as the Chair of the Advisory Committee, and other members appointed by the Director as follows:

“(1) One member who is an agency Chief Information Officer.

“(2) One member who is an agency Chief Privacy Officer.

“(3) One member who is an agency Chief Performance Officer.

“(4) Three members who are agency Chief Data Officers.

“(5) Three members who are agency Evaluation Officers.

“(6) Three members who are members of the Interagency Council for Statistical Policy established under section 3504(e)(8) of title 44.

“(7) At least 10 members who are representatives of State and local governments and nongovernmental stakeholders with expertise in government data policy, privacy, technology, transparency policy, evaluation and research methodologies, and other relevant subjects, of whom—

“(A) at least one shall have expertise in transparency policy;

“(B) at least one shall have expertise in privacy policy;

“(C) at least one shall have expertise in statistical data use;

“(D) at least one shall have expertise in information management;

“(E) at least one shall have expertise in information technology; and

“(F) at least one shall be from the research and evaluation community.

“(c) TERM OF SERVICE.—

“(1) IN GENERAL.—Each member of the Advisory Committee shall serve for a term of 2 years.

“(2) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

“(d) COMPENSATION.—Members of the Advisory Committee shall serve without compensation.

“(e) DUTIES.—The Advisory Committee shall—

“(1) assist the Director in carrying out the duties of the Director under part D of subchapter III of chapter 35 of title 44;

“(2) evaluate and provide recommendations to the Director on how to facilitate data sharing, enable data linkage, and develop privacy enhancing techniques; and

“(3) review the coordination of data sharing or availability for evidence building across all agencies.

“(f) REPORTS.—The Advisory Committee shall submit to the Director and make publicly available an annual report on the activities and findings of the Advisory Committee.

“(g) TERMINATION.—The Advisory Committee shall terminate not later than two years after the date of the first meeting.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 3 of part I of title 5, United States Code, is amended—

(1) by inserting before the item relating to section 301 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”; AND

(2) by adding at the end the following:

“SUBCHAPTER II—FEDERAL EVIDENCE-BUILDING ACTIVITIES

“311. Definitions.

“312. Agency evidence-building plan.

“313. Evaluation Officers.

“314. Statistical expertise.

“315. Advisory Committee on Data for Evidence Building.”.

(c) AGENCY STRATEGIC PLANS.—Section 306(a) of title 5, United States Code, is amended—

(1) in paragraph (7), by striking “; and” at the end and inserting a semicolon;

(2) in paragraph (8), by—

(A) striking the period at the end; and

(B) inserting after “to be conducted” the following: “, and citations to relevant provisions of the plans required under section 312; and”;

(3) by adding at the end the following:

“(9) an assessment of the coverage, quality, methods, effectiveness, and independence of the statistics, evaluation, research, and analysis efforts of the agency, including—

“(A) a list of the activities and operations of the agency that are currently being evaluated and analyzed;

“(B) the extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency;

“(C) the extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability;

“(D) the extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches;

“(E) the extent to which evaluation and research capacity is present within the agency to include personnel and agency processes for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback; and

“(F) the extent to which the agency has the capacity to assist agency staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.”.

(d) GAO REPORT.—Not later than 2 years after the date on which each strategic plan required under section 306(a) of title 5, United States Code, is published, the Comptroller General of the United States shall submit to Congress a report that—

(1) summarizes agency findings and highlights trends in the assessment conducted pursuant to subsection (a)(9) of section 306 of title 5, United States Code, as added by subsection (c); and

(2) if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) EVALUATION AND PERSONNEL STANDARDS.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the

Director of the Office of Management and Budget, in consultation with any inter-agency council relating to evaluation, shall—

(A) issue guidance for program evaluation for agencies consistent with widely accepted standards for evaluation; and

(B) identify best practices for evaluation that would improve Federal program evaluation.

(2) GUIDANCE.—Not later than 90 days after the date on which the guidance under paragraph (1) is issued, the head of each agency shall oversee the implementation of such guidance.

(3) OPM GUIDANCE.—Not later than 180 days after the date on which the guidance under paragraph (1) is issued, the Director of the Office of Personnel Management, in consultation with the Director of the Office of Management and Budget, shall—

(A) identify key skills and competencies needed for program evaluation in an agency;

(B) establish a new occupational series, or update and improve an existing occupational series, for program evaluation within an agency; and

(C) establish a new career path for program evaluation within an agency.

(4) DEFINITIONS.—In this Act:

(A) AGENCY.—Except as otherwise provided, the term “agency” has the meaning given the term “Executive agency” under section 105.

(B) EVALUATION.—The term “evaluation” has the meaning given that term in section 311 of title 5, United States Code, as added by subsection (a).

TITLE II—OPEN GOVERNMENT DATA ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Open, Public, Electronic, and Necessary Government Data Act” or the “OPEN Government Data Act”.

SEC. 202. OPEN GOVERNMENT DATA.

(a) DEFINITIONS.—Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13), by striking “; and” at the end and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

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

“(15) the term ‘comprehensive data inventory’ means the inventory created under section 3511(a), but does not include any underlying data asset listed on the inventory;

“(16) the term ‘data’ means recorded information, regardless of form or the media on which the data is recorded;

“(17) the term ‘data asset’ means a collection of data elements or data sets that may be grouped together;

“(18) the term ‘machine-readable’, when used with respect to data, means data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

“(19) the term ‘metadata’ means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

“(20) the term ‘open Government data asset’ means a public data asset that is—

“(A) machine-readable;

“(B) available (or could be made available) in an open format;

“(C) not encumbered by restrictions, other than intellectual property rights, including under titles 17 and 35, that would impede the use or reuse of such asset; and

“(D) based on an underlying open standard that is maintained by a standards organization;

“(21) the term ‘open license’ means a legal guarantee that a data asset is made available—

“(A) at no cost to the public; and

“(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting such asset;

“(22) the term ‘public data asset’ means a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under section 552 of title 5; and

“(23) the term ‘statistical laws’ means subchapter III of this chapter and other laws pertaining to the protection of information collected for statistical purposes as designated by the Director.”.

(b) GUIDANCE TO MAKE DATA OPEN BY DEFAULT.—Section 3504(b) of title 44, United States Code, is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end and inserting “; and”; and

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

“(6) issue guidance for agencies to implement section 3506(b)(6) in a manner that takes into account—

“(A) risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

“(B) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

“(C) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

“(D) whether the application of the requirements described in such section to a data asset could result in legal liability;

“(E) a determination of whether a data asset—

“(i) is subject to intellectual property rights, including rights under titles 17 and 35;

“(ii) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

“(iii) is otherwise restricted by contract or other binding, written agreement;

“(F) the requirement that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the ‘Freedom of Information Act’); and

“(G) any other considerations that the Director determines to be relevant.”.

(c) FEDERAL AGENCY RESPONSIBILITIES TO MAKE DATA OPEN BY DEFAULT.—

(1) AMENDMENTS.—Section 3506 of title 44, United States Code, is amended—

(A) in subsection (b)—

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

“(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that, to the extent practicable—

“(A) describes how information resources management activities help accomplish agency missions;

“(B) includes an open data plan that—

“(i) requires the agency to develop processes and procedures that—

“(I) require data collection mechanisms created on or after the date of the enactment of the OPEN Government Data Act to be available in an open format; and

“(II) facilitate collaboration with non-Government entities (including businesses), researchers, and the public for the purpose of understanding how data users value and use government data;

“(ii) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements within a reasonable period of time;

“(iii) develops and implements a process to evaluate and improve the timeliness, completeness, consistency, accuracy, usefulness, and availability of open Government data assets;

“(iv) includes requirements for meeting the goals of the agency open data plan, including the acquisition of technology, provision of training for employees, and the implementation of procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from public and private sectors;

“(v) identifies as priority data assets any data asset for which disclosure would be in the public interest and establishes a plan to evaluate each priority data asset for disclosure on the Federal Data Catalogue under section 3511 and for a determination under 3511(a)(2)(A)(iii)(I)(bb), including an accounting of which priority data assets have not yet been evaluated; and

“(vi) requires the agency to comply with requirements under section 3511, including any standards established by the Director under such section, when disclosing a data asset pursuant to such section; and

“(C) is updated annually and made publicly available on the website of the agency not later than 5 days after each such update;”;

(i) in paragraph (4), by striking “; and” and inserting a semicolon;

(ii) in paragraph (5), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following new paragraph:

“(6) in accordance with guidance by the Director—

“(A) make each data asset of the agency available in an open format; and

“(B) make each public data asset of the agency available—

“(i) as an open Government data asset; and

“(ii) under an open license.”; and

(B) in subsection (d)—

(i) in paragraph (3), by striking “and” at the end;

(ii) in paragraph (4), by striking the period at the end and inserting a semicolon; and

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

“(5) ensure that any public data asset of the agency is machine-readable; and

“(6) engage the public in using public data assets of the agency and encourage collaboration by—

“(A) publishing on the website of the agency, on a regular basis (not less than annually), information on the usage of such assets by non-Government users;

“(B) providing the public with the opportunity to request specific data assets to be prioritized for disclosure and to provide suggestions for the development of agency criteria with respect to prioritizing data assets for disclosure;

“(C) assisting the public in expanding the use of public data assets; and

“(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from public data assets of the agency.”.

(2) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of the enactment of this Act, the head of each agency (as defined in section 3502 of title 44, United States Code) shall ensure that any activity by the agency meets the requirements of section 3506 of title 44, United States Code, as amended by this subsection.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is 1 year after the date of the enactment of this Act.

(d) DATA INVENTORY AND FEDERAL DATA CATALOGUE.—

(1) AMENDMENT.—Section 3511 of title 44, United States Code, is amended to read as follows:

“§3511. Data inventory and Federal data catalogue

“(a) COMPREHENSIVE DATA INVENTORY.—

“(1) IN GENERAL.—In consultation with the Director and in accordance with the guidance established under paragraph (2), the head of each agency shall, to the maximum extent practicable, develop and maintain a comprehensive data inventory that accounts for all data assets created by, collected by, under the control or direction of, or maintained by the agency. The head of each agency shall ensure that such inventory provides a clear and comprehensive understanding of the data assets in the possession of the agency.

“(2) GUIDANCE.—The Director shall establish guidance for agencies to develop and maintain comprehensive data inventories under paragraph (1). Such guidance shall include the following:

“(A) A requirement for the head of an agency to include in the comprehensive data inventory metadata on each data asset of the agency, including, to the maximum extent practicable, the following:

“(i) A description of the data asset, including all variable names and definitions.

“(ii) The name or title of the data asset.

“(iii) An indication of whether or not the agency—

“(I) has determined or can determine if the data asset is—

“(aa) an open Government data asset;

“(bb) subject to disclosure or partial disclosure or exempt from disclosure under section 552 of title 5;

“(cc) a public data asset eligible for disclosure under subsection (b); or

“(dd) a data asset not subject to open format or open license requirements due to existing limitations or restrictions on government distribution of the asset; or

“(II) as of the date of such indication, has not made such determination.

“(iv) Any determination made under section 3582, if available.

“(v) A description of the method by which the public may access or request access to the data asset.

“(vi) The date on which the data asset was most recently updated.

“(vii) Each agency responsible for maintaining the data asset.

“(viii) The owner of the data asset.

“(ix) To the extent practicable, any restriction on the use of the data asset.

“(x) The location of the data asset.

“(xi) Any other metadata necessary to make the comprehensive data inventory useful to the agency and the public, or otherwise determined useful by the Director.

“(B) A requirement for the head of an agency to exclude from the comprehensive data inventory any data asset contained on a national security system, as defined in section 11103 of title 40.

“(C) Criteria for the head of an agency to use in determining which metadata required by subparagraph (A), if any, in the com-

prehensive data inventory may not be made publicly available, which shall include, at a minimum, a requirement to ensure all information that could not otherwise be withheld from disclosure under section 552 of title 5 is made public in the comprehensive data inventory.

“(D) A requirement for the head of each agency, in accordance with a procedure established by the Director, to submit for inclusion in the Federal data catalogue maintained under subsection (c) the comprehensive data inventory developed pursuant to subparagraph (C), including any real-time updates to such inventory, and data assets made available in accordance with subparagraph (E) or any electronic hyperlink providing access to such data assets.

“(E) Criteria for the head of an agency to use in determining whether a particular data asset should not be made publicly available in a manner that takes into account—

“(i) risks and restrictions related to the disclosure of personally identifiable information, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

“(ii) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

“(iii) the cost and benefits to the public of converting the data into a format that could be understood and used by the public;

“(iv) whether the public dissemination of the data asset could result in legal liability; and

“(v) whether the data asset—

“(I) is subject to intellectual property rights, including rights under titles 17 and 35;

“(II) contains confidential business information, that could be withheld under section 552(b)(4) of title 5; or

“(III) is restricted by contract or other binding, written agreement;

“(vi) whether the holder of a right to such data asset has been consulted;

“(vii) the expectation that all data assets that would otherwise be made available under section 552 of title 5 be disclosed; and

“(viii) any other considerations that the Director determines to be relevant.

“(F) Criteria for the head of an agency to use in assessing the indication of a determination under subparagraph (A)(iii) and how to prioritize any such subsequent determinations in the strategic information management plan under section 3506, in consideration of the existing resources available to the agency.

“(3) REGULAR UPDATES REQUIRED.—With respect to each data asset created or identified by an agency, the head of the agency shall update the comprehensive data inventory of the agency not later than 90 days after the date of such creation or identification.

“(b) PUBLIC DATA ASSETS.—The head of each agency shall submit public data assets, or links to public data assets available online, as open Government data assets for inclusion in the Federal data catalogue maintained under subsection (c), in accordance with the guidance established under subsection (a)(2).

“(c) FEDERAL DATA CATALOGUE.—

“(1) IN GENERAL.—The Administrator of General Services shall maintain a single public interface online as a point of entry dedicated to sharing agency data assets with the public, which shall be known as the ‘Federal data catalogue’. The Administrator and the Director shall ensure that agencies can submit public data assets, or links to public data assets, for publication and public availability on the interface.

“(2) REPOSITORY.—The Director shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices across the Federal Government, which shall—

“(A) include any definitions, regulations, policies, checklists, and case studies related to open data policy;

“(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices; and

“(C) be made available on the Federal data catalogue maintained under paragraph (1).

“(3) ACCESS TO OTHER DATA ASSETS.—The Director shall ensure the Federal data catalogue maintained under paragraph (1) provides information on how the public can access a data asset included in a comprehensive data inventory under subsection (a) that is not yet available on the Federal data catalogue, including information regarding the application process established under section 3583 of title 44.

“(d) DELEGATION.—The Director shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The item relating to section 3511 of the table of sections at the beginning of chapter 35 of title 44, United States Code, is amended to read as follows:

“3511. Data inventory and Federal data catalogue.”.

(B) CROSS-REFERENCE.—Section 3504(b)(2)(A) of title 44, United States Code, is amended by striking “the use of the Government Information Locator Service” and inserting “the use of comprehensive data inventories and the Federal data catalogue under section 3511”.

(e) CHIEF DATA OFFICERS.—

(1) AMENDMENT.—Section 3520 of title 44, United States Code, is amended to read as follows:

“§3520. Chief Data Officers

“(a) ESTABLISHMENT.—The head of each agency shall designate a career appointee (as defined in section 3132 of title 5) in the agency as the Chief Data Officer of the agency.

“(b) QUALIFICATIONS.—The Chief Data Officer of an agency shall be designated on the basis of demonstrated training and experience in data management, governance (including creation, application, and maintenance of data standards), collection, analysis, protection, use, and dissemination, including with respect to any statistical and related techniques to protect and de-identify confidential data.

“(c) FUNCTIONS.—The Chief Data Officer of an agency shall—

“(1) be responsible for lifecycle data management;

“(2) coordinate with any official in the agency responsible for using, protecting, disseminating, and generating data to ensure that the data needs of the agency are met;

“(3) manage data assets of the agency, including the standardization of data format, sharing of data assets, and publication of data assets in accordance with applicable law;

“(4) in carrying out the requirements under paragraphs (3) and (5), consult with any statistical official of the agency (as designated under section 314 of title 5);

“(5) carry out the requirements of the agency under subsections (b) through (d), (f), and (i) of section 3506, section 3507, and section 3511;

“(6) ensure that, to the extent practicable, agency data conforms with data management best practices;

“(7) engage agency employees, the public, and contractors in using public data assets and encourage collaborative approaches on improving data use;

“(8) support the Performance Improvement Officer of the agency in identifying and using data to carry out the functions described in section 1124(a)(2) of title 31;

“(9) support the Evaluation Officer of the agency in obtaining data to carry out the functions described in section 313(d) of title 5;

“(10) review the impact of the infrastructure of the agency on data asset accessibility and coordinate with the Chief Information Officer of the agency to improve such infrastructure to reduce barriers that inhibit data asset accessibility;

“(11) ensure that, to the extent practicable, the agency maximizes the use of data in the agency, including for the production of evidence (as defined in section 3561), cybersecurity, and the improvement of agency operations;

“(12) identify points of contact for roles and responsibilities related to open data use and implementation (as required by the Director);

“(13) serve as the agency liaison to other agencies and the Office of Management and Budget on the best way to use existing agency data for statistical purposes (as defined in section 3561); and

“(14) comply with any regulation and guidance issued under subchapter III, including the acquisition and maintenance of any required certification and training.

“(d) DELEGATION OF RESPONSIBILITIES.—

“(1) IN GENERAL.—To the extent necessary to comply with statistical laws, the Chief Data Officer of an agency shall delegate any responsibility under subsection (c) to the head of a statistical agency or unit (as defined in section 3561) within the agency.

“(2) CONSULTATION.—To the extent permissible under law, the individual to whom a responsibility has been delegated under paragraph (1) shall consult with the Chief Data Officer of the agency in carrying out such responsibility.

“(3) DEFERENCE.—The Chief Data Officer of the agency shall defer to the individual to whom a responsibility has been delegated under paragraph (1) regarding the necessary delegation of such responsibility with respect to any data acquired, maintained, or disseminated by the agency under applicable statistical law.

“(e) REPORTS.—The Chief Data Officer of an agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the compliance of the agency with the requirements of this subchapter, including information on each requirement that the agency could not carry out and, if applicable, what the agency needs to carry out such requirement.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The item relating to section 3520 of the table of sections at the beginning of chapter 35 of title 44, United States Code, is amended to read as follows:

“3520. Chief Data Officers.”

(f) CHIEF DATA OFFICER COUNCIL.—

(1) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by inserting before section 3521 the following new section:

“§ 3520A. Chief Data Officer Council

“(a) ESTABLISHMENT.—There is established in the Office of Management and Budget a

Chief Data Officer Council (in this section referred to as the ‘Council’).

“(b) PURPOSE AND FUNCTIONS.—The Council shall—

“(1) establish Governmentwide best practices for the use, protection, dissemination, and generation of data;

“(2) promote and encourage data sharing agreements between agencies;

“(3) identify ways in which agencies can improve upon the production of evidence for use in policymaking;

“(4) consult with the public and engage with private users of Government data and other stakeholders on how to improve access to data assets of the Federal Government; and

“(5) identify and evaluate new technology solutions for improving the collection and use of data.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Chief Data Officer of each agency shall serve as a member of the Council.

“(2) CHAIR.—The Director shall select the Chair of the Council from among the members of the Council.

“(3) ADDITIONAL MEMBERS.—The Administrator of the Office of Electronic Government shall serve as a member of the Council.

“(4) EX OFFICIO MEMBER.—The Director shall appoint a representative for all Chief Information Officers and Evaluation Officers, and such representative shall serve as an ex officio member of the Council.

“(d) REPORTS.—The Council shall submit to the Director, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a biennial report on the work of the Council.

“(e) EVALUATION AND TERMINATION.—

“(1) GAO EVALUATION OF COUNCIL.—Not later than 4 years after date of the enactment of this section, the Comptroller General shall submit to Congress a report on whether the additional duties of the Council improved the use of evidence and program evaluation in the Federal Government.

“(2) TERMINATION OF COUNCIL.—The Council shall terminate and this section shall be repealed upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress.”

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, is amended by inserting before the item relating to section 3521 the following new item:

“3520A. Chief Data Officer Council.”

(g) REPORTS.—

(1) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies, to the extent practicable—

(A) the value of information made available to the public as a result of this Act and the amendments made by this Act;

(B) whether the public availability of any information that has not yet been made so available would be valuable to the public; and

(C) the completeness of each comprehensive data inventory developed under section 3511 of title 44, United States Code, as amended by subsection (d).

(2) BIENNIAL OMB REPORT.—Not later than 1 year after date of the enactment of this Act, and biennially thereafter, the Director of the

Office of Management and Budget shall electronically publish a report on agency performance and compliance with this Act and the amendments made by this Act.

TITLE III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

SEC. 301. SHORT TITLE.

This title may be cited as the ‘Confidential Information Protection and Statistical Efficiency Act of 2018’.

SEC. 302. CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

“PART A—GENERAL

“§ 3561. Definitions

“In this subchapter:

“(1) AGENCY.—The term ‘agency’ means any entity that falls within the definition of the term ‘executive agency’, as defined in section 102 of title 31, or ‘agency’, as defined in section 3502.

“(2) AGENT.—The term ‘agent’ means an individual—

“(A)(i) who is an employee of a private organization or a researcher affiliated with an institution of higher learning (including a person granted special sworn status by the Bureau of the Census under section 23(c) of title 13), and with whom a contract or other agreement is executed, on a temporary basis, by an executive agency to perform exclusively statistical activities under the control and supervision of an officer or employee of that agency;

“(ii) who is working under the authority of a government entity with which a contract or other agreement is executed by an executive agency to perform exclusively statistical activities under the control of an officer or employee of that agency;

“(iii) who is a self-employed researcher, a consultant, a contractor, or an employee of a contractor, and with whom a contract or other agreement is executed by an executive agency to perform a statistical activity under the control of an officer or employee of that agency; or

“(iv) who is a contractor or an employee of a contractor, and who is engaged by the agency to design or maintain the systems for handling or storage of data received under this subchapter; and

“(B) who agrees in writing to comply with all provisions of law that affect information acquired by that agency.

“(3) BUSINESS DATA.—The term ‘business data’ means operating and financial data and information about businesses, tax-exempt organizations, and government entities.

“(4) DATA ASSET.—The term ‘data asset’ has the meaning given that term in section 3502.

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(6) EVIDENCE.—The term ‘evidence’ means information produced as a result of statistical activities conducted for a statistical purpose.

“(7) IDENTIFIABLE FORM.—The term ‘identifiable form’ means any representation of information that permits the identity of the respondent to whom the information applies to be reasonably inferred by either direct or indirect means.

“(8) NONSTATISTICAL PURPOSE.—The term ‘nonstatistical purpose’—

“(A) means the use of data in identifiable form for any purpose that is not a statistical purpose, including any administrative, regulatory, law enforcement, adjudicatory, or

other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent; and

“(B) includes the disclosure under section 552 of title 5 of data that are acquired for exclusively statistical purposes under a pledge of confidentiality.

“(9) RESPONDENT.—The term ‘respondent’ means a person who, or organization that, is requested or required to supply information to an agency, is the subject of information requested or required to be supplied to an agency, or provides that information to an agency.

“(10) STATISTICAL ACTIVITIES.—The term ‘statistical activities’—

“(A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment; and

“(B) includes the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames.

“(11) STATISTICAL AGENCY OR UNIT.—The term ‘statistical agency or unit’ means an agency or organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes, as designated by the Director under section 3562.

“(12) STATISTICAL PURPOSE.—The term ‘statistical purpose’—

“(A) means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and

“(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the purposes described in subparagraph (A).

“§ 3562. Coordination and oversight of policies

“(a) IN GENERAL.—The Director shall coordinate and oversee the confidentiality and disclosure policies established by this subchapter. The Director may promulgate rules or provide other guidance to ensure consistent interpretation of this subchapter by the affected agencies. The Director shall develop a process by which the Director designates agencies or organizational units as statistical agencies and units. The Director shall promulgate guidance to implement such process, which shall include specific criteria for such designation and methods by which the Director will ensure transparency in the process.

“(b) AGENCY RULES.—Subject to subsection (c), agencies may promulgate rules to implement this subchapter. Rules governing disclosures of information that are authorized by this subchapter shall be promulgated by the agency that originally collected the information.

“(c) REVIEW AND APPROVAL OF RULES.—The Director shall review any rules proposed by an agency pursuant to this subchapter for consistency with the provisions of this chapter and such rules shall be subject to the approval of the Director.

“(d) REPORTS.—

“(1) The head of each agency shall provide to the Director such reports and other information as the Director requests.

“(2) Each Designated Statistical Agency (as defined in section 3576(e)) shall report annually to the Director, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate on the actions it has taken to implement section 3576. The

report shall include copies of each written agreement entered into pursuant to section 3576(c)(1) for the applicable year.

“(3) The Director shall include a summary of reports submitted to the Director under this subsection and actions taken by the Director to advance the purposes of this subchapter in the annual report to Congress on statistical programs prepared under section 3504(e)(2).

“§ 3563. Statistical agencies

“(a) RESPONSIBILITIES.—

“(1) IN GENERAL.—Each statistical agency or unit shall—

“(A) produce and disseminate relevant and timely statistical information;

“(B) conduct credible and accurate statistical activities;

“(C) conduct objective statistical activities; and

“(D) protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their responses.

“(2) POLICIES, BEST PRACTICES, AND PROCEDURES.—Each statistical agency or unit shall adopt policies, best practices, and appropriate procedures to implement the responsibilities described in paragraph (1).

“(b) SUPPORT FROM OTHER AGENCIES.—The head of each agency shall enable, support, and facilitate statistical agencies or units in carrying out the responsibilities described in subsection (a)(1).

“(c) REGULATIONS.—The Director shall prescribe regulations to carry out this section.

“(d) DEFINITIONS.—In this section:

“(1) ACCURATE.—The term ‘accurate’, when used with respect to statistical activities, means statistics that consistently match the events and trends being measured.

“(2) CONFIDENTIALITY.—The term ‘confidentiality’ means a quality or condition accorded to information as an obligation not to disclose that information to an unauthorized party.

“(3) OBJECTIVE.—The term ‘objective’, when used with respect to statistical activities, means accurate, clear, complete, and unbiased.

“(4) RELEVANT.—The term ‘relevant’, when used with respect to statistical information, means processes, activities, and other such matters likely to be useful to policymakers and public and private sector data users.

“§ 3564. Effect on other laws

“(a) TITLE 44, UNITED STATES CODE.—This subchapter does not diminish the authority under section 3510 of the Director to direct, and of an agency to make, disclosures that are not inconsistent with any applicable law.

“(b) TITLE 13 AND TITLE 44, UNITED STATES CODE.—This subchapter does not diminish the authority of the Bureau of the Census to provide information in accordance with sections 8, 16, 301, and 401 of title 13 and section 2108 of this title.

“(c) TITLE 13, UNITED STATES CODE.—This subchapter shall not be construed as authorizing the disclosure for nonstatistical purposes of demographic data or information collected by the Bureau of the Census pursuant to section 9 of title 13.

“(d) VARIOUS ENERGY STATUTES.—Data or information acquired by the Energy Information Administration under a pledge of confidentiality and designated by the Energy Information Administration to be used for exclusively statistical purposes shall not be disclosed in identifiable form for nonstatistical purposes under—

“(1) section 12, 20, or 59 of the Federal Energy Administration Act of 1974 (15 U.S.C. 771, 779, 790h);

“(2) section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796); or

“(3) section 205 or 407 of the Department of Energy Organization Act (42 U.S.C. 7135, 7177).

“(e) SECTION 201 OF CONGRESSIONAL BUDGET ACT OF 1974.—This subchapter shall not be construed to limit any authorities of the Congressional Budget Office to work (consistent with laws governing the confidentiality of information the disclosure of which would be a violation of law) with databases of Designated Statistical Agencies (as defined in section 3576(e)), either separately or, for data that may be shared pursuant to section 3576(c) or other authority, jointly in order to improve the general utility of these databases for the statistical purpose of analyzing pension and health care financing issues.

“(f) PREEMPTION OF STATE LAW.—Nothing in this subchapter shall preempt applicable State law regarding the confidentiality of data collected by the States.

“(g) STATUTES REGARDING FALSE STATEMENTS.—Notwithstanding section 3572, information collected by an agency for exclusively statistical purposes under a pledge of confidentiality may be provided by the collecting agency to a law enforcement agency for the prosecution of submissions to the collecting agency of false statistical information under statutes that authorize criminal penalties (such as section 221 of title 13) or civil penalties for the provision of false statistical information, unless such disclosure or use would otherwise be prohibited under Federal law.

“(h) CONSTRUCTION.—Nothing in this subchapter shall be construed as restricting or diminishing any confidentiality protections or penalties for unauthorized disclosure that otherwise apply to data or information collected for statistical purposes or nonstatistical purposes, including, but not limited to, section 6103 of the Internal Revenue Code of 1986.

“(i) AUTHORITY OF CONGRESS.—Nothing in this subchapter shall be construed to affect the authority of the Congress, including its committees, members, or agents, to obtain data or information for a statistical purpose, including for oversight of an agency’s statistical activities.

“PART B—CONFIDENTIAL INFORMATION PROTECTION

“§ 3571. Findings

“The Congress finds the following:

“(1) Individuals, businesses, and other organizations have varying degrees of legal protection when providing information to the agencies for strictly statistical purposes.

“(2) Pledges of confidentiality by agencies provide assurances to the public that information about individuals or organizations or provided by individuals or organizations for exclusively statistical purposes will be held in confidence and will not be used against such individuals or organizations in any agency action.

“(3) Protecting the confidentiality interests of individuals or organizations who provide information under a pledge of confidentiality for Federal statistical programs serves both the interests of the public and the needs of society.

“(4) Declining trust of the public in the protection of information provided under a pledge of confidentiality to the agencies adversely affects both the accuracy and completeness of statistical analyses.

“(5) Ensuring that information provided under a pledge of confidentiality for statistical purposes receives protection is essential in continuing public cooperation in statistical programs.

“§ 3572. Confidential information protection

“(a) PURPOSES.—The purposes of this section are the following:

“(1) To ensure that information supplied by individuals or organizations to an agency for statistical purposes under a pledge of confidentiality is used exclusively for statistical purposes.

“(2) To ensure that individuals or organizations who supply information under a pledge of confidentiality to agencies for statistical purposes will neither have that information disclosed in identifiable form to anyone not authorized by this subchapter nor have that information used for any purpose other than a statistical purpose.

“(3) To safeguard the confidentiality of individually identifiable information acquired under a pledge of confidentiality for statistical purposes by controlling access to, and uses made of, such information.

“(b) USE OF STATISTICAL DATA OR INFORMATION.—Data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes and protected in accordance with such pledge.

“(c) DISCLOSURE OF STATISTICAL DATA OR INFORMATION.—

“(1) Data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent.

“(2) A disclosure pursuant to paragraph (1) is authorized only when the head of the agency approves such disclosure and the disclosure is not prohibited by any other law.

“(3) This section does not restrict or diminish any confidentiality protections in law that otherwise apply to data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes.

“(d) RULE FOR USE OF DATA OR INFORMATION FOR NONSTATISTICAL PURPOSES.—A statistical agency or unit shall clearly distinguish any data or information it collects for nonstatistical purposes (as authorized by law) and provide notice to the public, before the data or information is collected, that the data or information could be used for nonstatistical purposes.

“(e) DESIGNATION OF AGENTS.—A statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 3561(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this subchapter.

“(f) FINES AND PENALTIES.—Whoever, being an officer, employee, or agent of an agency acquiring information for exclusively statistical purposes, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by this section, comes into possession of such information by reason of his or her being an officer, employee, or agent and, knowing that the disclosure of the specific information is prohibited under the provisions of this subchapter, willfully discloses the information in any manner to a person or agency not entitled to receive it, shall be guilty of a class E felony and imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

“PART C—STATISTICAL EFFICIENCY

“§ 3575. Findings

“The Congress finds the following:

“(1) Federal statistics are an important source of information for public and private decision-makers such as policymakers, consumers, businesses, investors, and workers.

“(2) Federal statistical agencies should continuously seek to improve their effi-

ciency. Statutory constraints limit the ability of these agencies to share data and thus to achieve higher efficiency for Federal statistical programs.

“(3) The quality of Federal statistics depends on the willingness of businesses to respond to statistical surveys. Reducing reporting burdens will increase response rates, and therefore lead to more accurate characterizations of the economy.

“(4) Enhanced sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes will improve their ability to track more accurately the large and rapidly changing nature of United States business. In particular, the statistical agencies will be able to better ensure that businesses are consistently classified in appropriate industries, resolve data anomalies, produce statistical samples that are consistently adjusted for the entry and exit of new businesses in a timely manner, and correct faulty reporting errors quickly and efficiently.

“(5) Congress enacted the International Investment and Trade in Services Survey Act (Public Law 94-472), which allowed the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to share data on foreign-owned companies. The Act not only expanded detailed industry coverage from 135 industries to over 800 industries with no increase in the data collected from respondents but also demonstrated how data sharing can result in the creation of valuable data products.

“(6) With part B of this subchapter, the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics continues to ensure the highest level of confidentiality for respondents to statistical surveys.

“§ 3576. Designated statistical agencies

“(a) PURPOSES.—The purposes of this section are the following:

“(1) To authorize the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes.

“(2) To reduce the paperwork burdens imposed on businesses that provide requested information to the Federal Government.

“(3) To improve the comparability and accuracy of Federal economic statistics by allowing the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to update sample frames, develop consistent classifications of establishments and companies into industries, improve coverage, and reconcile significant differences in data produced by the three agencies.

“(4) To increase understanding of the United States economy, especially for key industry and regional statistics, to develop more accurate measures of the impact of technology on productivity growth, and to enhance the reliability of the Nation's most important economic indicators, such as the National Income and Product Accounts.

“(b) RESPONSIBILITIES OF DESIGNATED STATISTICAL AGENCIES.—The head of each of the Designated Statistical Agencies shall—

“(1) identify opportunities to eliminate duplication and otherwise reduce reporting burden and cost imposed on the public in providing information for statistical purposes;

“(2) enter into joint statistical projects to improve the quality and reduce the cost of statistical programs; and

“(3) protect the confidentiality of individually identifiable information acquired for statistical purposes by adhering to safeguard principles, including—

“(A) emphasizing to their officers, employees, and agents the importance of protecting the confidentiality of information in cases where the identity of individual respondents can reasonably be inferred by either direct or indirect means;

“(B) training their officers, employees, and agents in their legal obligations to protect the confidentiality of individually identifiable information and in the procedures that must be followed to provide access to such information;

“(C) implementing appropriate measures to assure the physical and electronic security of confidential data;

“(D) establishing a system of records that identifies individuals accessing confidential data and the project for which the data were required; and

“(E) being prepared to document their compliance with safeguard principles to other agencies authorized by law to monitor such compliance.

“(c) SHARING OF BUSINESS DATA AMONG DESIGNATED STATISTICAL AGENCIES.—

“(1) IN GENERAL.—A Designated Statistical Agency may provide business data in an identifiable form to another Designated Statistical Agency under the terms of a written agreement among the agencies sharing the business data that specifies—

“(A) the business data to be shared;

“(B) the statistical purposes for which the business data are to be used;

“(C) the officers, employees, and agents authorized to examine the business data to be shared; and

“(D) appropriate security procedures to safeguard the confidentiality of the business data.

“(2) RESPONSIBILITIES OF AGENCIES UNDER OTHER LAWS.—The provision of business data by an agency to a Designated Statistical Agency under this section shall in no way alter the responsibility of the agency providing the data under other statutes (including sections 552 and 552b of title 5) with respect to the provision or withholding of such information by the agency providing the data.

“(3) RESPONSIBILITIES OF OFFICERS, EMPLOYEES, AND AGENTS.—Examination of business data in identifiable form shall be limited to the officers, employees, and agents authorized to examine the individual reports in accordance with written agreements pursuant to this section. Officers, employees, and agents of a Designated Statistical Agency who receive data pursuant to this section shall be subject to all provisions of law, including penalties, that relate—

“(A) to the unlawful provision of the business data that would apply to the officers, employees, and agents of the agency that originally obtained the information; and

“(B) to the unlawful disclosure of the business data that would apply to officers, employees, and agents of the agency that originally obtained the information.

“(4) NOTICE.—Whenever a written agreement concerns data that respondents were required by law to report and the respondents were not informed that the data could be shared among the Designated Statistical Agencies, for exclusively statistical purposes, the terms of such agreement shall be described in a public notice issued by the agency that intends to provide the data. Such notice shall allow a minimum of 60 days for public comment.

“(d) LIMITATIONS ON USE OF BUSINESS DATA PROVIDED BY DESIGNATED STATISTICAL AGENCIES.—

“(1) GENERAL USE.—Business data provided by a Designated Statistical Agency pursuant to this section shall be used exclusively for statistical purposes.

“(2) PUBLICATION.—Publication of business data acquired by a Designated Statistical Agency shall occur in a manner whereby the data furnished by any particular respondent are not in identifiable form.

“(e) DESIGNATED STATISTICAL AGENCY DEFINED.—In this section, the term ‘Designated Statistical Agency’ means each of the following:

“(1) The Census Bureau of the Department of Commerce.

“(2) The Bureau of Economic Analysis of the Department of Commerce.

“(3) The Bureau of Labor Statistics of the Department of Labor.”

(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:

“SUBCHAPTER III—CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

“PART A—GENERAL

“3561. Definitions.

“3562. Coordination and oversight of policies.

“3563. Statistical agencies.

“3564. Effect on other laws.

“PART B—CONFIDENTIAL INFORMATION PROTECTION

“3571. Findings.

“3572. Confidential information protection.

“PART C—STATISTICAL EFFICIENCY

“3575. Findings.

“3576. Designated statistical agencies.”

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY ACT OF 2002.—Title V of the E-Government Act of 2002 (Public Law 107-347; 44 U.S.C. 3501 note) is repealed (and the table of contents of such Act shall be conformed accordingly).

(2) TITLE 13, UNITED STATES CODE.—Section 402 of title 13, United States Code, is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002” and inserting “section 3576(e) of title 44”.

(3) TITLE 49, UNITED STATES CODE.—Title 49, United States Code, is amended—

(A) in section 6302(d)(4), by striking “the Confidential Information” and all that follows through the period and inserting “section 3572 of title 44.”; and

(B) in section 6314(d)(2), by striking “the Confidential Information” and all that follows through the period and inserting “section 3572 of title 44.”

(4) ACT OF JANUARY 27, 1938.—The first section of the Act of January 27, 1938, entitled “An Act to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes” (52 Stat. 8, chapter 11; 15 U.S.C. 176a), is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002” and inserting “subchapter III of chapter 35 of title 44, United States Code”.

(5) FIXING AMERICA’S SURFACE TRANSPORTATION ACT.—Section 7308(e)(2) of the Fixing America’s Surface Transportation Act (Public Law 114-94; 49 U.S.C. 20155 note) is amended by striking “the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note)” and inserting “section 3572 of title 44, United States Code”.

(d) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) CUTOFF DATE.—This title replaces certain provisions of law enacted on December 17, 2002. If a law enacted after that date amends or repeals a provision replaced by this title, that law is deemed to amend or repeal, as the case may be, the corresponding provision enacted by this title. If a law enacted after that date is otherwise incon-

sistent with this title, it supersedes this title to the extent of the inconsistency.

(2) ORIGINAL DATE OF ENACTMENT UNCHANGED.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, the date of the enactment of a provision enacted by this title is deemed to be the date of the enactment of the provision it replaced.

(3) REFERENCES TO PROVISIONS REPLACED.—A reference to a provision of law replaced by this title, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this title.

(4) REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.—A regulation, order, or other administrative action in effect under a provision of law replaced by this title continues in effect under the corresponding provision enacted by this title.

(5) ACTIONS TAKEN AND OFFENSES COMMITTED.—An action taken or an offense committed under a provision of law replaced by this title is deemed to have been taken or committed under the corresponding provision enacted by this title.

SEC. 303. INCREASING ACCESS TO DATA FOR EVIDENCE.

(a) IN GENERAL.—Subchapter III of chapter 35 of title 44, United States Code, as added by section 302, is amended by adding at the end the following new part:

“PART D—ACCESS TO DATA FOR EVIDENCE

“§ 3581. Presumption of accessibility for statistical agencies and units

“(a) ACCESSIBILITY OF DATA ASSETS.—The head of an agency shall, to the extent practicable, make any data asset maintained by the agency available, upon request, to any statistical agency or unit for purposes of developing evidence.

“(b) LIMITATIONS.—Subsection (a) does not apply to any data asset that is subject to a statute that—

“(1) prohibits the sharing or intended use of such asset in a manner as to leave no discretion on the issue; or

“(2) if enacted after the date of the enactment of this section, specifically cites to this paragraph.

“(c) REGULATIONS.—The Director shall prescribe regulations for agencies to carry out this section. Such regulations shall—

“(1) require the timely provision of data assets under subsection (a);

“(2) provide a list of statutes that exempt agencies from the requirement under subsection (a) pursuant to subsection (b)(1);

“(3) establish clear and consistent standards, to the extent possible, for complying with section 552a of title 5 (commonly known as the ‘Privacy Act of 1974’) and any other applicable law requiring the protection and confidentiality of individually identifiable information; and

“(4) require a transparent process for statistical agencies and units to request data assets from agencies and for agencies to respond to such requests.

“(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed as altering existing intellectual property rights or the terms of any contract or other binding, written agreement.

“§ 3582. Expanding secure access to CIPSEA data assets

“(a) STATISTICAL AGENCY RESPONSIBILITIES.—To the extent practicable, each statistical agency or unit shall expand access to 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 systems 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.

SA 4172. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill H.R. 5509, to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, 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 “Innovations in Mentoring, Training, and Apprenticeships Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) To remain competitive in the global economy, foster greater innovation, and provide a foundation for shared prosperity, the United States needs a workforce with the right mix of skills to meet the diverse needs of the economy.

(2) Evidence indicates that the returns on investments in technical skills in the labor market are strong when students successfully complete their education and gain credentials sought by employers.

(3) The responsibility for developing and sustaining a skilled technical workforce is fragmented across many groups, including educators, students, workers, employers, Federal, State, and local governments, civic associations, and other stakeholders. Such groups need to be able to coordinate and cooperate successfully with each other.

(4) Coordination among students, community colleges, secondary and post-secondary institutions, and employers would improve educational outcomes.

(5) Promising experiments currently underway may guide innovation and reform, but scalability of some of those experiments has not yet been tested.

(6) Evidence suggests that integration of academic education, technical skills development, and hands-on work experience improves outcomes and return on investment for students in secondary and post-secondary education and for skilled technical workers in different career stages.

(7) Outcomes show that mentoring can increase STEM student engagement and the rate of completion of STEM post-secondary degrees.

SEC. 3. NATIONAL SCIENCE FOUNDATION STEM INNOVATION AND APPRENTICESHIP GRANTS.

Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) by redesignating subsections (d) through (g) as subsections (g) through (j), respectively;

(2) by inserting after subsection (c) the following:

“(d) GRANTS FOR ASSOCIATE DEGREE PROGRAMS IN STEM FIELDS.—

“(1) IN-DEMAND WORKFORCE GRANTS.—The Director shall award grants to junior or community colleges to develop or improve associate degree or certificate programs in STEM fields, with respect to the region in which the respective college is located, and an in-demand industry sector or occupation.

“(2) APPLICATIONS.—In considering applications for grants under paragraph (1), the Director shall prioritize—

“(A) applications that consist of a partnership between the applying junior or community college and individual employers or an

employer consortia, or industry or sector partnerships, and may include a university or other organization with demonstrated expertise in academic program development;

“(B) applications that demonstrate current and future workforce demand in occupations directly related to the proposed associate degree or certificate program;

“(C) applications that include commitments by the partnering employers or employer consortia, or industry or sector partnerships, to offer apprenticeships, internships, or other applied learning opportunities to students enrolled in the proposed associate degree or certificate program;

“(D) applications that include outreach plans and goals for recruiting and enrolling women and other underrepresented populations in STEM fields in the proposed associate degree or certificate program; and

“(E) applications that describe how the applying junior or community college will support the collection of information and data for purposes of evaluation of the proposed associate degree or certificate program.

“(e) GRANTS FOR STEM DEGREE APPLIED LEARNING OPPORTUNITIES.—

“(1) IN GENERAL.—The Director shall award grants to institutions of higher education partnering with private sector employers or private sector employer consortia, or industry or sector partnerships, that commit to offering apprenticeships, internships, research opportunities, or applied learning experiences to enrolled students in identified STEM baccalaureate degree programs.

“(2) PURPOSES.—Awards under this subsection may be used—

“(A) to develop curricula and programs for apprenticeship, internships, research opportunities, or applied learning experiences; or

“(B) to provide matching funds to incentivize partnership and participation by private sector employers and industry.

“(3) APPLICATIONS.—In considering applications for grants under paragraph (1), the Director shall prioritize—

“(A) applicants that consist of a partnership between—

“(i) the applying institution of higher education; and

“(ii) individual employers or an employer consortia, or industry or sector partnerships;

“(B) applications that demonstrate current and future workforce demand in occupations directly related to the identified STEM fields;

“(C) applications that include outreach plans and goals for recruiting and enrolling women and other underrepresented populations in STEM fields; and

“(D) applications that describe how the institution of higher education will support the collection and information of data for purposes of the evaluation of identified STEM degree programs.

“(f) GRANTS FOR COMPUTER-BASED AND ONLINE STEM EDUCATION COURSES.—

“(1) IN GENERAL.—The Director of the National Science Foundation shall award competitive grants to institutions of higher education or nonprofit organizations to conduct research on student outcomes and determine best practices for STEM education and technical skills education through distance learning or in a simulated work environment.

“(2) RESEARCH AREAS.—The research areas eligible for funding under this subsection may include—

“(A) post-secondary courses for technical skills development for STEM occupations;

“(B) improving high-school level career and technical education in STEM subjects;

“(C) encouraging and sustaining interest and achievement levels in STEM subjects

among women and other populations historically underrepresented in STEM studies and careers; and

“(D) combining computer-based and online STEM education and skills development with traditional mentoring and other mentoring arrangements, apprenticeships, internships, and other applied learning opportunities.”;

(3) in subsection (a)(3)(A), by striking the comma and inserting a semicolon;

(4) in subsection (c)(1)(B)(iv), by striking “subsection (f)(3)” and inserting “subsection (i)(3)”;

(5) in subsection (h), as redesignated—

(A) in the heading, by striking “LIMITATION ON FUNDING” and inserting “FUNDING”;

(B) by inserting “(3) LIMITATION ON FUNDING.—” before “To qualify” and indenting appropriately; and

(C) by inserting before paragraph (3), as redesignated, the following:

“(1) FUNDING.—The Director shall allocate out of amounts made available for the Education and Human Resources Directorate—

“(A) up to \$5,000,000 to carry out the activities under subsection (d) for each of fiscal years 2019 through 2022, subject to the availability of appropriations;

“(B) up to \$2,500,000 to carry out the activities under subsection (e) for each of fiscal years 2019 through 2022, subject to the availability of appropriations; and

“(C) up to \$2,500,000 to carry out the activities under subsection (f) for each of fiscal years 2019 through 2022, subject to the availability of appropriations.

“(2) LIMITATION ON FUNDING.—Amounts made available to carry out subsections (d), (e), and (f) shall be derived from amounts appropriated or otherwise made available to the National Science Foundation.”; and

(6) in subsection (j), as redesignated—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4) the following:

“(5) the term ‘in-demand industry sector or occupation’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102);

“(6) the term ‘junior or community college’ has the meaning given the term in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058)”;

(D) by adding at the end the following:

“(8) the term ‘region’ means a labor market area, as that term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

“(9) the terms ‘mathematics, science, engineering, or technology’ or ‘STEM’ mean science, technology, engineering, and mathematics, including computer science.”.

SEC. 4. RESEARCH ON EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.

(a) EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.—The Director of the National Science Foundation, working through the Directorate of Social, Behavioral & Economic Sciences, in coordination with the Secretary of Labor, shall support research on labor market analysis innovations, data and information sciences, electronic information tools and methodologies, and metrics.

(b) SKILLED TECHNICAL WORKFORCE.—

(1) REVIEW.—The National Center for Science and Engineering Statistics of the National Science Foundation shall consult and coordinate with other relevant Federal statistical agencies, including the Institute of Education Sciences of the Department of Education, and the Committee on Science, Technology, Engineering, and Mathematics Education of the National Science and Technology Council established under section 101

of the America COMPETES Act of 2010 (Public Law 111-358), to explore the feasibility of expanding its surveys to include the collection of objective data on the skilled technical workforce.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall submit to Congress a report on the progress made in expanding the National Center for Science and Engineering Statistics surveys to include the skilled technical workforce, including a plan for multi-agency collaboration to improve data collection and reporting of data on the skilled technical workforce.

(3) DEFINITION OF SKILLED TECHNICAL WORKFORCE.—The term “skilled technical workforce” means workers with high school diplomas and two-year technical training or certifications who employ significant levels of STEM knowledge in their jobs.

SEC. 5. EVALUATION AND REPORT.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall evaluate the grant programs established under subsections (d), (e), and (f) of section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i), as amended by this Act.

(2) REQUIREMENTS.—In conducting the evaluation under paragraph (1), the Director shall—

(A) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research conducted pursuant to such grants and programs under subsection (f) of that section;

(B) include an assessment of the effectiveness of the grant programs in expanding apprenticeships, internships, and other applied learning opportunities offered by employers in conjunction with junior or community colleges, or institutions of higher education, as applicable;

(C) assess the number of students who participated in the grant programs; and

(D) assess the percentage of students participating in the grant programs who successfully complete their education programs.

(b) REPORT ON EVALUATIONS.—Not later than 180 days after the date the evaluation under subsection (a) is complete, the Director of the National Science Foundation shall submit to Congress and the Secretary of Education, and make widely available to the public, a report on the results of the evaluation, including any recommendations for legislative action that could optimize the effectiveness of the grant programs.

SA 4173. Mr. BOOZMAN (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 767, to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop, Observe, Ask, and Respond to Health and Wellness Act of 2018” or the “SOAR to Health and Wellness Act of 2018”.

SEC. 2. PROGRAM ESTABLISHMENT.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following:

“SEC. 1254. STOP, OBSERVE, ASK, AND RESPOND TO HEALTH AND WELLNESS TRAINING PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish a program to be known as the Stop,

Observe, Ask, and Respond to Health and Wellness Training Program or the SOAR to Health and Wellness Training Program (in this section referred to as the ‘Program’) to provide training to health care and social service providers on human trafficking in accordance with this section.

“(b) ACTIVITIES.—

“(1) IN GENERAL.—The Program shall include the Stop, Observe, Ask, and Respond to Health and Wellness Training Program’s activities existing on the day before the date of enactment of this section and the authorized initiatives described in paragraph (2).

“(2) AUTHORIZED INITIATIVES.—The authorized initiatives of the Program shall include—

“(A) engaging stakeholders, including victims of human trafficking and Federal, State, local, and tribal partners, to develop a flexible training module—

“(i) for supporting activities under subsection (c); and

“(ii) that adapts to changing needs, settings, health care providers, and social service providers;

“(B) providing technical assistance to grantees related to implementing activities described in subsection (c) and reporting on any best practices identified by the grantees;

“(C) developing a reliable methodology for collecting data, and reporting such data, on the number of human trafficking victims identified and served by grantees in a manner that, at a minimum, prevents disclosure of individually identifiable information consistent with all applicable privacy laws and regulations; and

“(D) integrating, as appropriate, the training described in paragraphs (1) through (4) of subsection (c) with training programs, in effect on the date of enactment of this section, for health care and social service providers for victims of intimate partner violence, sexual assault, stalking, child abuse, child neglect, child maltreatment, and child sexual exploitation.

“(c) GRANTS.—The Secretary may award grants to appropriate entities to train health care and social service providers to—

“(1) identify potential human trafficking victims;

“(2) implement best practices for working with law enforcement to report and facilitate communication with human trafficking victims, in accordance with all applicable Federal, State, local, and tribal laws, including legal confidentiality requirements for patients and health care and social service providers;

“(3) implement best practices for referring such victims to appropriate health care, social, or victims service agencies or organizations; and

“(4) provide such victims with coordinated, age-appropriate, culturally relevant, trauma-informed, patient-centered, and evidence-based care.

“(d) CONSIDERATION IN AWARDING GRANTS.—The Secretary, in making awards under this section, shall give consideration to—

“(1) geography;

“(2) the demographics of the population to be served;

“(3) the predominant types of human trafficking cases involved; and

“(4) health care and social service provider profiles.

“(e) DATA COLLECTION AND REPORTING.—

“(1) IN GENERAL.—The Secretary shall collect data and report on the following:

“(A) The total number of entities that received a grant under this section.

“(B) The total number and geographic distribution of health care and social service providers trained through the Program.

“(2) INITIAL REPORT.—In addition to the data required to be collected under paragraph (1), for purposes of the initial report to be submitted under paragraph (3), the Secretary shall collect data on the total number of facilities and health care professional organizations that were operating under, and the total number of health care and social service providers trained through, the Stop, Observe, Ask, and Respond to Health and Wellness Training Program existing prior to the establishment of the Program under this section.

“(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit an annual report to Congress on the data collected under this subsection in a manner that, at a minimum, prevents the disclosure of individually identifiable information consistent with all applicable privacy laws and regulations.

“(f) SHARING BEST PRACTICES.—The Secretary shall make available, on the Internet website of the Department of Health and Human Services, a description of the best practices and procedures used by entities that receive a grant for carrying out activities under this section.

“(g) DEFINITION.—In this section, the term ‘human trafficking’ has the meaning given the term ‘severe forms of trafficking in persons’ as defined in section 103 of the Trafficking Victims Protection Act of 2000.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act, \$4,000,000 for each of fiscal years 2020 through 2024.”

SA 4174. Mr. BOOZMAN (for Mr. PORTMAN) proposed an amendment to the bill S. 1023, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2021, and for other purposes; as follows:

On page 25, strike line 19 and all that follows through the period on line 20.

AUTHORITY FOR COMMITTEES TO MEET

Mr. THUNE. Mr. President, I have 3 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON VETERANS’ AFFAIRS

The Committee on Veterans’ Affairs is authorized to meet during the session of the Senate on Wednesday, December 19, 2018, at 2 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, December 19, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, December 19, 2018, at 2:30 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. THUNE. Mr. President, I ask unanimous consent that Matt Wells and Tom Sullivan, fellows in Senator GRASSLEY’s office, be granted floor privileges for the remainder of the week.

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

Mr. GARDNER. I ask unanimous consent that Sean McClintock, a congressional fellow in Senator COTTON’s office, be granted floor privileges for the remainder of the 115th Congress.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. HARRIS. Mr. President, I ask unanimous consent that Thomas Dotstry, a fellow in my office, be given floor privileges for the remainder of the 115th Congress.

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

Ms. CANTWELL. Mr. President, I ask unanimous consent that Lauren Vernon and Tom Schaff on the staff of the Energy and Natural Resources Committee be granted floor privileges for the duration of the 115th Congress.

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

FASTER ACCESS TO FEDERAL STUDENT AID ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3611 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3611) to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to facilitate the disclosure of tax return information to carry out the Higher Education Act of 1965, and for other purposes.

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. 3611) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3611

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 “Faster Access to Federal Student Aid Act of 2018”.

SEC. 2. SECURE DISCLOSURE OF TAX-RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (13) of section 6103(l) of the Internal Revenue Code of 1986 is amended to read as follows:

“(13) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT THE HIGHER EDUCATION ACT OF 1965.—

“(A) INCOME-CONTINGENT OR INCOME-BASED REPAYMENT AND TOTAL AND PERMANENT DISABILITY DISCHARGE.—The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) establishing, renewing, administering, and conducting analyses and forecasts for estimating costs related to income-contingent or income-based repayment programs, and the discharge of loans based on a total and permanent disability (within the meaning of section 437(a) of the Higher Education Act of 1965), under title IV of the Higher Education Act of 1965, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as participating in the loan programs under title IV of such Act, for taxable years specified by such Secretary:

“(i) Taxpayer identity information with respect to such taxpayer.

“(ii) The filing status of such taxpayer.

“(iii) Type of tax return from which the return information is provided.

“(iv) The adjusted gross income of such taxpayer.

“(v) Total number of exemptions claimed, or total number of individuals and dependents claimed, as applicable, on the return.

“(vi) Number of children with respect to which tax credits under section 24 are claimed on the return.

“(vii) Other information determined to be necessary by agreement between the Secretary and the Secretary of Education to administer the Federal financial aid programs as required by the Higher Education Act of 1965.

“(B) FEDERAL STUDENT FINANCIAL AID.—The Secretary shall, upon written request from the Secretary of Education, disclose to officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purpose of (and to the extent necessary in) determining eligibility for, and amount of, Federal student financial aid under programs authorized by title IV of the Higher Education Act of 1965 and conducting analyses and forecasts for estimating costs related to such programs, the following return information (as defined in subsection (b)(2)) with respect to taxpayers identified by the Secretary of Education as applicants for Federal student financial aid under title IV of such Act, for taxable years specified by such Secretary:

“(i) Taxpayer identity information with respect to such taxpayer.

“(ii) The filing status of such taxpayer.

“(iii) Type of tax return from which the return information is provided.

“(iv) The adjusted gross income of such taxpayer.

“(v) The amount of any net earnings from self-employment (as defined in section 1402), wages (as defined in section 3121(a) or 3401(a)), and taxable income from a farming business (as defined in section 236A(e)(4)) for the period reported on the return.

“(vi) The total income tax of such taxpayer.

“(vii) Total number of exemptions claimed, or total number of individuals and dependents claimed, as applicable, on the return.

“(viii) Number of children with respect to which tax credits under section 24 are claimed on the return.

“(ix) Amount of any credit claimed under section 25A for the taxable year.

“(x) Amount of individual retirement account distributions not included in adjusted gross income for the taxable year.

“(xi) Amount of individual retirement account contributions and payments to self-employed SEP, Keogh, and other qualified plans which were deducted from income for the taxable year.

“(xii) The amount of tax-exempt interest.

“(xiii) Amounts from retirement pensions and annuities not included in adjusted gross income for the taxable year.

“(xiv) If applicable, the fact that there is no return filed for such taxpayer for the applicable year.

“(xv) Other information determined to be necessary by agreement between the Secretary and the Secretary of Education to administer the Federal financial aid programs as required by the Higher Education Act of 1965.

“(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—

“(i) IN GENERAL.—Return information disclosed under subparagraphs (A) and (B) may be used by officers, employees, and contractors of the Department of Education, as specifically authorized and designated by the Secretary of Education, only for the purposes and to the extent necessary described in such subparagraphs and for mitigating risks (as defined in clause (ii)) relating to the programs described in such subparagraphs.

“(ii) MITIGATING RISKS.—For purposes of this subparagraph, the term ‘mitigating risks’ means, with respect to the programs described in subparagraphs (A) and (B)—

“(I) analyzing or estimating costs associated with potential changes to the need-analysis formula,

“(II) oversight activities by the Office of Inspector General of the Department of Education as authorized by the Inspector General Act of 1978, as amended,

“(III) developing or administering statistical models that inform support to populations of Federal student loan borrowers who are at risk of default or delinquency,

“(IV) reducing the net cost of improper payments to Federal financial aid recipients, and

“(V) producing aggregate statistics for reporting, research, or consumer information on the performance of programs or institutions of higher education participating in the programs under title IV of the Higher Education Act of 1965.

Such term does not include the conduct of criminal investigations or prosecutions.

“(iii) REDISCLOSURE TO INSTITUTIONS OF HIGHER EDUCATION, STATE HIGHER EDUCATION AGENCIES, AND DESIGNATED SCHOLARSHIP ORGANIZATIONS.—The Secretary of Education, and officers, employees, and contractors of the Department of Education, may disclose return information received under subparagraph (B), solely for the use in the application, award, and administration of Federal student financial aid, State aid, or aid awarded by eligible institutions or such entities as the Secretary of Education may designate, to the following persons:

“(I) An institution of higher education with which the Secretary of Education has an agreement under subpart 1 of part A, or part D or E, of title IV of the Higher Education Act of 1965.

“(II) A State higher education agency.

“(III) A scholarship organization which is designated by the Secretary of Education as of the date of the enactment of the Faster Access to Federal Student Aid Act of 2018 as an organization eligible to receive the information provided under this clause.

The preceding sentence shall only apply to the extent that the taxpayer with respect to

whom the return information relates provides consent for such disclosure to the Secretary of Education as part of the application for Federal student financial aid under title IV of the Higher Education Act of 1965.

“(D) REQUIRED NOTIFICATION PERIODS.—

“(i) NOTIFICATION TO CONGRESS.—The Secretary and the Secretary of Education shall issue joint notifications to the Committees on Finance and Health, Education, Labor, and Pensions of the Senate and the Committees on Ways and Means and Education and the Workforce of the House of Representatives not less than 120 days prior to the first disclosure of any type of return information under subparagraph (A)(vii) or (B)(xv) with respect to which such a notification has not been previously made.

“(ii) PUBLIC NOTICE AND COMMENT.—There shall be a public notice and comment period beginning not less than 60 days prior to the first disclosure of any type of return information under subparagraph (A)(vii) or (B)(xv) with respect to which such a notification has not been previously made, subsequent to the period allotted for Congressional comment under clause (i).”

(2) CONFIDENTIALITY OF RETURN INFORMATION.—Section 6103(a)(3) of such Code is amended by inserting “, (13)(A), (13)(B)” after “(12)”.

(3) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code is amended—

(A) by inserting “(A), (13)(B)” after “(13)” each place it occurs, and

(B) by inserting “, (13)(A), (13)(B)” after “(1)(10)” each place it occurs.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made under section 6103(1)(13) of the Internal Revenue Code of 1986 (as amended by this section) after the date of the enactment of this Act.

SEC. 3. NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.

(a) IN GENERAL.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by adding at the end the following:

“SEC. 494. NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.

“The Secretary shall advise students and borrowers who submit an application for Federal student financial aid under this title or for the discharge of a loan based on permanent and total disability, as described in section 437(a), or who request an income-contingent or income-based repayment plan on their loan (as well as parents and spouses who sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) that the Secretary has the authority to request that the Internal Revenue Service disclose their tax return information (as well as that of parents and spouses who sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) to officers, employees, and contractors of the Department of Education as authorized under section 6103(1)(13) of the Internal Revenue Code of 1986, to the extent necessary for the Secretary to carry out this title.”

(b) CONFORMING AMENDMENT.—Section 484(q) of the Higher Education Act of 1965 (20 U.S.C. 1091(q)) is amended to read as follows: “(q) reserved”.

SEC. 4. REPORTS ON IMPLEMENTATION.

(a) IN GENERAL.—Not later than each specified date, the Secretary of Education and the Secretary of the Treasury shall issue joint reports to the Committees on Health, Education, Labor, and Pensions and Finance of the Senate and the Committees on Education and the Workforce and Ways and Means of the House of Representatives regarding the amendments made by this Act.

Each such report shall include, as applicable—

(1) an update on the status of implementation of the amendments made by this Act,

(2) an evaluation of the processing of applications for Federal student financial aid, and applications for income-based repayment and income contingent repayment, under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), in accordance with the amendments made by this Act, and

(3) implementation issues and suggestions for potential improvements.

(b) SPECIFIED DATE.—For purposes of subsection (a), the term ‘specified date’ means—

(1) the date that is 90 days after the date of the enactment of this Act,

(2) the date that is 120 days after the first day that the disclosure process established under section 6103(1)(13) of the Internal Revenue Code of 1986, as amended by section 2(a) of this Act, is operational and accessible to officers, employees, and contractors of the Department of Education (as specifically authorized and designated by the Secretary of Education), and

(3) the date that is 1 year after the report date described in paragraph (2).

INNOVATIONS IN MENTORING, TRAINING, AND APPRENTICESHIPS ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from the further consideration of H.R. 5509 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5509) to direct the National Science Foundation to provide grants for research about STEM education approaches and the STEM-related workforce, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Thune substitute amendment at the desk be considered and agreed to and the bill, as amended, be considered read a third time.

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

The amendment (No. 4172) 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 “Innovations in Mentoring, Training, and Apprenticeships Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) To remain competitive in the global economy, foster greater innovation, and provide a foundation for shared prosperity, the United States needs a workforce with the right mix of skills to meet the diverse needs of the economy.

(2) Evidence indicates that the returns on investments in technical skills in the labor market are strong when students successfully complete their education and gain credentials sought by employers.

(3) The responsibility for developing and sustaining a skilled technical workforce is fragmented across many groups, including educators, students, workers, employers, Federal, State, and local governments, civic associations, and other stakeholders. Such groups need to be able to coordinate and cooperate successfully with each other.

(4) Coordination among students, community colleges, secondary and post-secondary institutions, and employers would improve educational outcomes.

(5) Promising experiments currently underway may guide innovation and reform, but scalability of some of those experiments has not yet been tested.

(6) Evidence suggests that integration of academic education, technical skills development, and hands-on work experience improves outcomes and return on investment for students in secondary and post-secondary education and for skilled technical workers in different career stages.

(7) Outcomes show that mentoring can increase STEM student engagement and the rate of completion of STEM post-secondary degrees.

SEC. 3. NATIONAL SCIENCE FOUNDATION STEM INNOVATION AND APPRENTICESHIP GRANTS.

Section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i) is amended—

(1) by redesignating subsections (d) through (g) as subsections (g) through (j), respectively;

(2) by inserting after subsection (c) the following:

“(d) GRANTS FOR ASSOCIATE DEGREE PROGRAMS IN STEM FIELDS.—

“(1) IN-DEMAND WORKFORCE GRANTS.—The Director shall award grants to junior or community colleges to develop or improve associate degree or certificate programs in STEM fields, with respect to the region in which the respective college is located, and an in-demand industry sector or occupation.

“(2) APPLICATIONS.—In considering applications for grants under paragraph (1), the Director shall prioritize—

“(A) applications that consist of a partnership between the applying junior or community college and individual employers or an employer consortia, or industry or sector partnerships, and may include a university or other organization with demonstrated expertise in academic program development;

“(B) applications that demonstrate current and future workforce demand in occupations directly related to the proposed associate degree or certificate program;

“(C) applications that include commitments by the partnering employers or employer consortia, or industry or sector partnerships, to offer apprenticeships, internships, or other applied learning opportunities to students enrolled in the proposed associate degree or certificate program;

“(D) applications that include outreach plans and goals for recruiting and enrolling women and other underrepresented populations in STEM fields in the proposed associate degree or certificate program; and

“(E) applications that describe how the applying junior or community college will support the collection of information and data for purposes of evaluation of the proposed associate degree or certificate program.

“(e) GRANTS FOR STEM DEGREE APPLIED LEARNING OPPORTUNITIES.—

“(1) IN GENERAL.—The Director shall award grants to institutions of higher education partnering with private sector employers or private sector employer consortia, or industry or sector partnerships, that commit to offering apprenticeships, internships, research opportunities, or applied learning ex-

periences to enrolled students in identified STEM baccalaureate degree programs.

“(2) PURPOSES.—Awards under this subsection may be used—

“(A) to develop curricula and programs for apprenticeship, internships, research opportunities, or applied learning experiences; or

“(B) to provide matching funds to incentivize partnership and participation by private sector employers and industry.

“(3) APPLICATIONS.—In considering applications for grants under paragraph (1), the Director shall prioritize—

“(A) applicants that consist of a partnership between—

“(i) the applying institution of higher education; and

“(ii) individual employers or an employer consortia, or industry or sector partnerships;

“(B) applications that demonstrate current and future workforce demand in occupations directly related to the identified STEM fields;

“(C) applications that include outreach plans and goals for recruiting and enrolling women and other underrepresented populations in STEM fields; and

“(D) applications that describe how the institution of higher education will support the collection and information of data for purposes of the evaluation of identified STEM degree programs.

“(f) GRANTS FOR COMPUTER-BASED AND ONLINE STEM EDUCATION COURSES.—

“(1) IN GENERAL.—The Director of the National Science Foundation shall award competitive grants to institutions of higher education or nonprofit organizations to conduct research on student outcomes and determine best practices for STEM education and technical skills education through distance learning or in a simulated work environment.

“(2) RESEARCH AREAS.—The research areas eligible for funding under this subsection may include—

“(A) post-secondary courses for technical skills development for STEM occupations;

“(B) improving high-school level career and technical education in STEM subjects;

“(C) encouraging and sustaining interest and achievement levels in STEM subjects among women and other populations historically underrepresented in STEM studies and careers; and

“(D) combining computer-based and online STEM education and skills development with traditional mentoring and other mentoring arrangements, apprenticeships, internships, and other applied learning opportunities.”;

(3) in subsection (a)(3)(A), by striking the comma and inserting a semicolon;

(4) in subsection (c)(1)(B)(iv), by striking “subsection (f)(3)” and inserting “subsection (i)(3)”;

(5) in subsection (h), as redesignated—

(A) in the heading, by striking “LIMITATION ON FUNDING” and inserting “FUNDING”;

(B) by inserting “(3) LIMITATION ON FUNDING.—” before “To qualify” and indenting appropriately; and

(C) by inserting before paragraph (3), as redesignated, the following:

“(1) FUNDING.—The Director shall allocate out of amounts made available for the Education and Human Resources Directorate—

“(A) up to \$5,000,000 to carry out the activities under subsection (d) for each of fiscal years 2019 through 2022, subject to the availability of appropriations;

“(B) up to \$2,500,000 to carry out the activities under subsection (e) for each of fiscal years 2019 through 2022, subject to the availability of appropriations; and

“(C) up to \$2,500,000 to carry out the activities under subsection (f) for each of fiscal

years 2019 through 2022, subject to the availability of appropriations.

“(2) LIMITATION ON FUNDING.—Amounts made available to carry out subsections (d), (e), and (f) shall be derived from amounts appropriated or otherwise made available to the National Science Foundation.”; and

(6) in subsection (j), as redesignated—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (5) as paragraph (7); and

(C) by inserting after paragraph (4) the following:

“(5) the term ‘in-demand industry sector or occupation’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102);

“(6) the term ‘junior or community college’ has the meaning given the term in section 312 of the Higher Education Act of 1965 (20 U.S.C. 1058);”;

(D) by adding at the end the following:

“(8) the term ‘region’ means a labor market area, as that term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

“(9) the terms ‘mathematics, science, engineering, or technology’ or ‘STEM’ mean science, technology, engineering, and mathematics, including computer science.”.

SEC. 4. RESEARCH ON EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.

(a) EFFICIENCY OF SKILLED TECHNICAL LABOR MARKETS.—The Director of the National Science Foundation, working through the Directorate of Social, Behavioral & Economic Sciences, in coordination with the Secretary of Labor, shall support research on labor market analysis innovations, data and information sciences, electronic information tools and methodologies, and metrics.

(b) SKILLED TECHNICAL WORKFORCE.—

(1) REVIEW.—The National Center for Science and Engineering Statistics of the National Science Foundation shall consult and coordinate with other relevant Federal statistical agencies, including the Institute of Education Sciences of the Department of Education, and the Committee on Science, Technology, Engineering, and Mathematics Education of the National Science and Technology Council established under section 101 of the America COMPETES Act of 2010 (Public Law 111-358), to explore the feasibility of expanding its surveys to include the collection of objective data on the skilled technical workforce.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director of the National Science Foundation shall submit to Congress a report on the progress made in expanding the National Center for Science and Engineering Statistics surveys to include the skilled technical workforce, including a plan for multi-agency collaboration to improve data collection and reporting of data on the skilled technical workforce.

(3) DEFINITION OF SKILLED TECHNICAL WORKFORCE.—The term “‘skilled technical workforce’” means workers with high school diplomas and two-year technical training or certifications who employ significant levels of STEM knowledge in their jobs.

SEC. 5. EVALUATION AND REPORT.

(a) EVALUATION.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the National Science Foundation shall evaluate the grant programs established under subsections (d), (e), and (f) of section 3 of the Scientific and Advanced-Technology Act of 1992 (42 U.S.C. 1862i), as amended by this Act.

(2) REQUIREMENTS.—In conducting the evaluation under paragraph (1), the Director shall—

(A) use a common set of benchmarks and assessment tools to identify best practices and materials developed or demonstrated by the research conducted pursuant to such grants and programs under subsection (f) of that section;

(B) include an assessment of the effectiveness of the grant programs in expanding apprenticeships, internships, and other applied learning opportunities offered by employers in conjunction with junior or community colleges, or institutions of higher education, as applicable;

(C) assess the number of students who participated in the grant programs; and

(D) assess the percentage of students participating in the grant programs who successfully complete their education programs.

(b) REPORT ON EVALUATIONS.—Not later than 180 days after the date the evaluation under subsection (a) is complete, the Director of the National Science Foundation shall submit to Congress and the Secretary of Education, and make widely available to the public, a report on the results of the evaluation, including any recommendations for legislative action that could optimize the effectiveness of the grant programs.

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

The bill was read the third time.

Mr. BOOZMAN. Mr. President, I know of no other further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 5509), as amended, was passed.

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

STRENGTHENING COASTAL COMMUNITIES ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 5787 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 legislative clerk read as follows:

A bill (H.R. 5787) to amend the Coastal Barrier Resources Act to give effect to more accurate maps of units of the John H. Chafee Coastal Barrier Resources System that were produced by digital mapping of such units, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. BOOZMAN. Mr. President, 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 with no intervening action or debate.

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

The bill (H.R. 5787) was ordered to a third reading, was read the third time, and passed.

STOP, OBSERVE, ASK, AND RESPOND TO HEALTH AND WELLNESS ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged and the Senate proceed to the immediate consideration of H.R. 767.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 767) to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. BOOZMAN. I ask unanimous consent that the Alexander amendment at the desk be agreed to and that the bill, as amended, be considered read a third time.

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

The amendment (No. 4173) 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 “Stop, Observe, Ask, and Respond to Health and Wellness Act of 2018” or the “SOAR to Health and Wellness Act of 2018”.

SEC. 2. PROGRAM ESTABLISHMENT.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following:

“SEC. 1254. STOP, OBSERVE, ASK, AND RESPOND TO HEALTH AND WELLNESS TRAINING PROGRAM.

“(a) IN GENERAL.—The Secretary shall establish a program to be known as the Stop, Observe, Ask, and Respond to Health and Wellness Training Program or the SOAR to Health and Wellness Training Program (in this section referred to as the ‘Program’) to provide training to health care and social service providers on human trafficking in accordance with this section.

“(b) ACTIVITIES.—

“(1) IN GENERAL.—The Program shall include the Stop, Observe, Ask, and Respond to Health and Wellness Training Program’s activities existing on the day before the date of enactment of this section and the authorized initiatives described in paragraph (2).

“(2) AUTHORIZED INITIATIVES.—The authorized initiatives of the Program shall include—

“(A) engaging stakeholders, including victims of human trafficking and Federal, State, local, and tribal partners, to develop a flexible training module—

“(i) for supporting activities under subsection (c); and

“(ii) that adapts to changing needs, settings, health care providers, and social service providers;

“(B) providing technical assistance to grantees related to implementing activities described in subsection (c) and reporting on any best practices identified by the grantees;

“(C) developing a reliable methodology for collecting data, and reporting such data, on the number of human trafficking victims identified and served by grantees in a manner that, at a minimum, prevents disclosure of individually identifiable information consistent with all applicable privacy laws and regulations; and

“(D) integrating, as appropriate, the training described in paragraphs (1) through (4) of

subsection (c) with training programs, in effect on the date of enactment of this section, for health care and social service providers for victims of intimate partner violence, sexual assault, stalking, child abuse, child neglect, child maltreatment, and child sexual exploitation.

“(c) GRANTS.—The Secretary may award grants to appropriate entities to train health care and social service providers to—

“(1) identify potential human trafficking victims;

“(2) implement best practices for working with law enforcement to report and facilitate communication with human trafficking victims, in accordance with all applicable Federal, State, local, and tribal laws, including legal confidentiality requirements for patients and health care and social service providers;

“(3) implement best practices for referring such victims to appropriate health care, social, or victims service agencies or organizations; and

“(4) provide such victims with coordinated, age-appropriate, culturally relevant, trauma-informed, patient-centered, and evidence-based care.

“(d) CONSIDERATION IN AWARDING GRANTS.—The Secretary, in making awards under this section, shall give consideration to—

“(1) geography;

“(2) the demographics of the population to be served;

“(3) the predominant types of human trafficking cases involved; and

“(4) health care and social service provider profiles.

“(e) DATA COLLECTION AND REPORTING.—

“(1) IN GENERAL.—The Secretary shall collect data and report on the following:

“(A) The total number of entities that received a grant under this section.

“(B) The total number and geographic distribution of health care and social service providers trained through the Program.

“(2) INITIAL REPORT.—In addition to the data required to be collected under paragraph (1), for purposes of the initial report to be submitted under paragraph (3), the Secretary shall collect data on the total number of facilities and health care professional organizations that were operating under, and the total number of health care and social service providers trained through, the Stop, Observe, Ask, and Respond to Health and Wellness Training Program existing prior to the establishment of the Program under this section.

“(3) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit an annual report to Congress on the data collected under this subsection in a manner that, at a minimum, prevents the disclosure of individually identifiable information consistent with all applicable privacy laws and regulations.

“(f) SHARING BEST PRACTICES.—The Secretary shall make available, on the Internet website of the Department of Health and Human Services, a description of the best practices and procedures used by entities that receive a grant for carrying out activities under this section.

“(g) DEFINITION.—In this section, the term ‘human trafficking’ has the meaning given the term ‘severe forms of trafficking in persons’ as defined in section 103 of the Trafficking Victims Protection Act of 2000.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act, \$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.

Mr. BOOZMAN. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 767), as amended, 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.

SECURE TECHNOLOGY ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7327, 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. 7327) to require the Secretary of Homeland Security to establish a security vulnerability disclosure policy, to establish a bug bounty program for the Department of Homeland Security, to amend title 41, United States Code, to provide for Federal acquisition supply chain security, 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 and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 7327) was ordered to a third reading, was read the third time, and passed.

DEFENDING ECONOMIC LIVELIHOODS AND THREATENED ANIMALS ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 704, H.R. 4819.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4819) to promote inclusive economic growth through conservation and biodiversity programs that facilitate transboundary cooperation, improve natural resource management, and build local capacity to protect and preserve threatened wildlife species in the greater Okavango River Basin of southern Africa.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations.

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. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4819) 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.

TROPICAL FOREST CONSERVATION REAUTHORIZATION ACT OF 2017

Mr. BOOZMAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 544, S. 1023.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1023) to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2021, and for other purposes.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Tropical Forest Conservation Reauthorization Act of 2018”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment to short title of Act to encompass modified scope.
- Sec. 3. Protection of tropical forests and coral reefs.
- Sec. 4. Change to name of facility.
- Sec. 5. Eligibility for benefits.
- Sec. 6. Reduction of debt owed to the United States as a result of credits extended under title 1 of Food for Peace Act.
- Sec. 7. United States Government representation on oversight bodies for grants from debt-for-nature swaps and debt buybacks.
- Sec. 8. Conservation agreements.
- Sec. 9. Conservation Fund.
- Sec. 10. Changes to due dates of annual reports to Congress.
- Sec. 11. New authorization of appropriations for the reduction of debt and authorization for audit, evaluation, monitoring, and administration expenses.

SEC. 2. AMENDMENT TO SHORT TITLE OF ACT TO ENCOMPASS MODIFIED SCOPE.

(a) *IN GENERAL.*—Section 801 of the Tropical Forest Conservation Act of 1998 (part V of Public Law 87–195; 22 U.S.C. 2151 note) is amended by striking “Tropical Forest Conservation Act of 1998” and inserting “Tropical Forest and Coral Reef Conservation Act of 1998”.

(b) *REFERENCES.*—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the “Tropical Forest Conservation Act of 1998”

shall be deemed to be a reference to the “Tropical Forest and Coral Reef Conservation Act of 1998”.

SEC. 3. PROTECTION OF TROPICAL FORESTS AND CORAL REEFS.

(a) *IN GENERAL.*—Section 802 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431), as renamed by section 2(a), is amended—

(1) in subsections (a)(1), (a)(6), (b)(1), (b)(3), and (b)(4), by striking “tropical forests” each place it appears and inserting “tropical forests and coral reef ecosystems”;

(2) in subsection (a)(2)(C), by striking “far-flung”;

(3) in subsection (a)(7), by striking “tropical forests is critical to the protection of tropical forests” and inserting “tropical forests and coral reef ecosystems is critical to the protection of such areas”; and

(4) in subsection (b)(2)—

(A) by striking “tropical forests” the first place it appears and inserting “tropical forests and coral ecosystems”;

(B) by striking “tropical forests” the second place it appears and inserting “areas”; and

(C) by striking “tropical forests” the third place it appears and inserting “tropical forests and coral reef ecosystems”.

(b) *AMENDMENTS RELATED TO DEFINITIONS.*—Section 803 of such Act (22 U.S.C. 2431a) is amended—

(1) in paragraph (5)—

(A) in the heading, by striking “TROPICAL FOREST” and inserting “TROPICAL FOREST OR CORAL REEF”;

(B) in the matter preceding subparagraph (A), by striking “tropical forest” and inserting “tropical forest or coral reef”; and

(C) in subparagraph (B)—

(i) by striking “tropical forest” and inserting “tropical forest or coral reef”; and

(ii) by striking “tropical forests” and inserting “tropical forests or coral reefs”; and

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

“(10) *CORAL.*—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa; and

“(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

“(11) *CORAL REEF.*—The term ‘coral reef’ means any reef or shoal composed primarily of coral.

“(12) *CORAL REEF ECOSYSTEM.*—The term ‘coral reef ecosystem’ means any coral reef and any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.”.

SEC. 4. CHANGE TO NAME OF FACILITY.

(a) *IN GENERAL.*—Section 804 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431b), as renamed by section 2(a), is amended by striking “Tropical Forest Facility” and inserting “Conservation Facility”.

(b) *CONFORMING AMENDMENTS TO DEFINITIONS.*—Section 803(8) of such Act (22 U.S.C. 2431a(8)) is amended—

(1) in the heading, by striking “TROPICAL FOREST FACILITY” and inserting “CONSERVATION FACILITY”; and

(2) by striking “Tropical Forest Facility” both places it appears and inserting “Conservation Facility”.

(c) *REFERENCES.*—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the “Tropical Forest Facility” shall be deemed to be a reference to the “Conservation Facility”.

SEC. 5. ELIGIBILITY FOR BENEFITS.

Section 805(a) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431c(a)), as renamed by section 2(a), is amended—

(1) by striking “tropical forest” and inserting “tropical forest or coral reef”;

(2) by redesignating paragraph (2) as paragraph (7); and

(3) by striking paragraph (1) and inserting the following new paragraphs:

“(1) whose government is democratically elected;

“(2) whose government has not repeatedly provided support for acts of international terrorism;

“(3) whose government is not failing to cooperate on international narcotics control matters;

“(4) whose government (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights;

“(5) that has in effect, has received approval for, or is making significant progress toward—

“(A) an International Monetary Fund standby arrangement, extended Fund arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or a Fund monitored program, or is implementing sound macroeconomic policies, unless the President determines that such an arrangement or program could reasonably be expected to have significant adverse social or environmental effect; and

“(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association, unless the President determines that the resulting adjustment requirements could reasonably be expected to have significant adverse social or environmental effects;

“(6) if appropriate, has agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction; and”.

SEC. 6. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF FOOD FOR PEACE ACT.

Section 807(a)(1) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431e(a)(1)), as renamed by section 2(a), is amended by striking “outstanding as of January 1, 1998,” and inserting “outstanding as of the date of the enactment of the Tropical Forest Conservation Reauthorization Act of 2018”.

SEC. 7. UNITED STATES GOVERNMENT REPRESENTATION ON OVERSIGHT BODIES FOR GRANTS FROM DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

Section 808(a)(5) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431f(a)(5)), as renamed by section 2(a), is amended by adding at the end the following new subparagraph:

“(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by the United States Government shall serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buyback regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.”.

SEC. 8. CONSERVATION AGREEMENTS.

(a) RENAMING OF AGREEMENTS.—Section 809 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431g), as renamed by section 2(a), is amended—

(1) in the section heading, by striking “TROPICAL FOREST AGREEMENT” and inserting “CONSERVATION AGREEMENT”; and

(2) in subsection (a)—

(A) by striking “AUTHORITY” and all that follows through “(1) IN GENERAL.—The Secretary”

and inserting “AUTHORITY.—The Secretary”; and

(B) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”.

(b) ELIMINATION OF REQUIREMENT TO CONSULT WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—Such subsection is further amended by striking paragraph (2).

(c) ROLE OF BENEFICIARY COUNTRIES.—Such section is further amended—

(1) in subsection (e)(1)(C), by striking “in exceptional circumstances, the government of the beneficiary country” and inserting “in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)”; and

(2) by amending subsection (f) to read as follows:

“(f) REVIEW OF LARGER GRANTS.—Any grant of more than \$250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)(2)(A)(i), by inserting “to serve in an official capacity” after “Government”; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “tropical forests” and inserting “tropical forests and coral reef ecosystems”;

(B) in paragraph (5), by striking “tropical forest”; and

(C) in paragraph (6), by striking “living in or near a tropical forest in a manner consistent with protecting such tropical forest” and inserting “dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources”.

(e) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(7) of such Act (22 U.S.C. 2431a(7)) is amended—

(1) in the heading, by striking “TROPICAL FOREST AGREEMENT” and inserting “CONSERVATION AGREEMENT”; and

(2) by striking “Tropical Forest Agreement” both places it appears and inserting “Conservation Agreement”.

SEC. 9. CONSERVATION FUND.

(a) IN GENERAL.—Section 810 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431h), as renamed by section 2(a), is amended—

(1) in the section heading, by striking “TROPICAL FOREST FUND” and inserting “CONSERVATION FUND”; and

(2) in subsection (a)—

(A) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”; and

(B) by striking “Tropical Forest Fund” and inserting “Conservation Fund”.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Such Act is further amended—

(1) in section 803(9) (22 U.S.C. 2431a(9))—

(A) in the heading, by striking “TROPICAL FOREST FUND” and inserting “CONSERVATION FUND”; and

(B) by striking “Tropical Forest Fund” both places it appears and inserting “Conservation Fund”;

(2) in section 806(c)(2) (22 U.S.C. 2431d(c)(2)), by striking “Tropical Forest Fund” and inserting “Conservation Fund”; and

(3) in section 807(c)(2) (22 U.S.C. 2431e(c)(2)), by striking “Tropical Forest Fund” and inserting “Conservation Fund”.

SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.

Section 813 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431k), as renamed by section 2(a), is amended—

(1) in subsection (a)—

(A) by striking “(a) IN GENERAL.—Not later than December 31” and inserting “Not later than April 15”; and

(B) by striking “fiscal year” both places it appears and inserting “calendar year”; and

(2) by striking subsection (b).

SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.

Section 806 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d), as renamed by section 2(a), is amended—

(1) in subsection (d), by adding at the end the following new paragraphs:

“(7) \$20,000,000 for fiscal year 2019.

“(8) \$20,000,000 for fiscal year 2020.

“(9) \$20,000,000 for fiscal year 2021.

“(10) \$20,000,000 for fiscal year 2022.”; and

(2) by amending subsection (e) to read as follows:

“(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, \$300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including personnel costs associated with such audits, evaluations, monitoring and administration.”.

Mr. BOOZMAN. I ask unanimous consent that the Portman amendment at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, and the bill, as amended, be considered read a third time.

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

The amendment (No. 4174) was agreed to, as follows:

On page 25, strike line 19 and all that follows through the period on line 20.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

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

Mr. BOOZMAN. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1023), as amended, was passed, as follows:

S. 1023

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Tropical Forest Conservation Reauthorization Act of 2018”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment to short title of Act to encompass modified scope.
- Sec. 3. Protection of tropical forests and coral reefs.
- Sec. 4. Change to name of facility.
- Sec. 5. Eligibility for benefits.
- Sec. 6. Reduction of debt owed to the United States as a result of credits extended under title I of Food for Peace Act.
- Sec. 7. United States Government representation on oversight bodies for grants from debt-for-nature swaps and debt buybacks.
- Sec. 8. Conservation agreements.
- Sec. 9. Conservation Fund.

Sec. 10. Changes to due dates of annual reports to Congress.

Sec. 11. New authorization of appropriations for the reduction of debt and authorization for audit, evaluation, monitoring, and administration expenses.

SEC. 2. AMENDMENT TO SHORT TITLE OF ACT TO ENCOMPASS MODIFIED SCOPE.

(a) IN GENERAL.—Section 801 of the Tropical Forest Conservation Act of 1998 (part V of Public Law 87-195; 22 U.S.C. 2151 note) is amended by striking “Tropical Forest Conservation Act of 1998” and inserting “Tropical Forest and Coral Reef Conservation Act of 1998”.

(b) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the “Tropical Forest Conservation Act of 1998” shall be deemed to be a reference to the “Tropical Forest and Coral Reef Conservation Act of 1998”.

SEC. 3. PROTECTION OF TROPICAL FORESTS AND CORAL REEFS.

(a) IN GENERAL.—Section 802 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431), as renamed by section 2(a), is amended—

(1) in subsections (a)(1), (a)(6), (b)(1), (b)(3), and (b)(4), by striking “tropical forests” each place it appears and inserting “tropical forests and coral reef ecosystems”;

(2) in subsection (a)(2)(C), by striking “far-flung”;

(3) in subsection (a)(7), by striking “tropical forests is critical to the protection of tropical forests” and inserting “tropical forests and coral reef ecosystems is critical to the protection of such areas”; and

(4) in subsection (b)(2)—

(A) by striking “tropical forests” the first place it appears and inserting “tropical forests and coral ecosystems”;

(B) by striking “tropical forests” the second place it appears and inserting “areas”; and

(C) by striking “tropical forests” the third place it appears and inserting “tropical forests and coral reef ecosystems”.

(b) AMENDMENTS RELATED TO DEFINITIONS.—Section 803 of such Act (22 U.S.C. 2431a) is amended—

(1) in paragraph (5)—

(A) in the heading, by striking “TROPICAL FOREST” and inserting “TROPICAL FOREST OR CORAL REEF”;

(B) in the matter preceding subparagraph (A), by striking “tropical forest” and inserting “tropical forest or coral reef”; and

(C) in subparagraph (B)—

(i) by striking “tropical forest” and inserting “tropical forest or coral reef”; and

(ii) by striking “tropical forests” and inserting “tropical forests or coral reefs”; and

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

“(10) CORAL.—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa; and

“(B) all species of the order Hydrocorallina (fire corals and hydrocorals) of the class Hydrozoa.

“(11) CORAL REEF.—The term ‘coral reef’ means any reef or shoal composed primarily of coral.

“(12) CORAL REEF ECOSYSTEM.—The term ‘coral reef ecosystem’ means any coral reef and any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as

seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.”.

SEC. 4. CHANGE TO NAME OF FACILITY.

(a) IN GENERAL.—Section 804 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431b), as renamed by section 2(a), is amended by striking “Tropical Forest Facility” and inserting “Conservation Facility”.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(8) of such Act (22 U.S.C. 2431a(8)) is amended—

(1) in the heading, by striking “TROPICAL FOREST FACILITY” and inserting “CONSERVATION FACILITY”; and

(2) by striking “Tropical Forest Facility” both places it appears and inserting “Conservation Facility”.

(c) REFERENCES.—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the “Tropical Forest Facility” shall be deemed to be a reference to the “Conservation Facility”.

SEC. 5. ELIGIBILITY FOR BENEFITS.

Section 805(a) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431c(a)), as renamed by section 2(a), is amended—

(1) by striking “tropical forest” and inserting “tropical forest or coral reef”;

(2) by redesignating paragraph (2) as paragraph (7); and

(3) by striking paragraph (1) and inserting the following new paragraphs:

“(1) whose government is democratically elected;

“(2) whose government has not repeatedly provided support for acts of international terrorism;

“(3) whose government is not failing to cooperate on international narcotics control matters;

“(4) whose government (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights;

“(5) that has in effect, has received approval for, or is making significant progress toward—

“(A) an International Monetary Fund standby arrangement, extended Fund arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or a Fund monitored program, or is implementing sound macroeconomic policies, unless the President determines that such an arrangement or program could reasonably be expected to have significant adverse social or environmental effect; and

“(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association, unless the President determines that the resulting adjustment requirements could reasonably be expected to have significant adverse social or environmental effects;

“(6) if appropriate, has agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction; and”.

SEC. 6. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDIT'S EXTENDED UNDER TITLE I OF FOOD FOR PEACE ACT.

Section 807(a)(1) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431e(a)(1)), as renamed by section 2(a), is amended by striking “outstanding as of January 1, 1998,” and inserting “outstanding as of the date of the enactment of the Tropical Forest Conservation Reauthorization Act of 2018”.

SEC. 7. UNITED STATES GOVERNMENT REPRESENTATION ON OVERSIGHT BODIES FOR GRANTS FROM DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

Section 808(a)(5) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431f(a)(5)), as renamed by section 2(a), is amended by adding at the end the following new subparagraph:

“(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by the United States Government shall serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buyback regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.”.

SEC. 8. CONSERVATION AGREEMENTS.

(a) RENAMING OF AGREEMENTS.—Section 809 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431g), as renamed by section 2(a), is amended—

(1) in the section heading, by striking “TROPICAL FOREST AGREEMENT” and inserting “CONSERVATION AGREEMENT”; and

(2) in subsection (a)—

(A) by striking “AUTHORITY” and all that follows through “(1) IN GENERAL.—The Secretary” and inserting “AUTHORITY.—The Secretary”; and

(B) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”.

(b) ELIMINATION OF REQUIREMENT TO CONSULT WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—Such subsection is further amended by striking paragraph (2).

(c) ROLE OF BENEFICIARY COUNTRIES.—Such section is further amended—

(1) in subsection (e)(1)(C), by striking “in exceptional circumstances, the government of the beneficiary country” and inserting “in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)”; and

(2) by amending subsection (f) to read as follows:

“(f) REVIEW OF LARGER GRANTS.—Any grant of more than \$250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (e)(2)(A)(i), by inserting “to serve in an official capacity” after “Government”; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “tropical forests” and inserting “tropical forests and coral reef ecosystems”;

(B) in paragraph (5), by striking “tropical forest”; and

(C) in paragraph (6), by striking “living in or near a tropical forest in a manner consistent with protecting such tropical forest” and inserting “dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources”.

(e) CONFORMING AMENDMENTS TO DEFINITIONS.—Section 803(7) of such Act (22 U.S.C. 2431a(7)) is amended—

(1) in the heading, by striking “TROPICAL FOREST AGREEMENT” and inserting “CONSERVATION AGREEMENT”; and

(2) by striking “Tropical Forest Agreement” both places it appears and inserting “Conservation Agreement”.

SEC. 9. CONSERVATION FUND.

(a) IN GENERAL.—Section 810 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431h), as renamed by section 2(a), is amended—

(1) in the section heading, by striking “TROPICAL FOREST FUND” and inserting “CONSERVATION FUND”; and

(2) in subsection (a)—

(A) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”; and

(B) by striking “Tropical Forest Fund” and inserting “Conservation Fund”.

(b) CONFORMING AMENDMENTS TO DEFINITIONS.—Such Act is further amended—

(1) in section 803(9) (22 U.S.C. 2431a(9))—

(A) in the heading, by striking “TROPICAL FOREST FUND” and inserting “CONSERVATION FUND”; and

(B) by striking “Tropical Forest Fund” both places it appears and inserting “Conservation Fund”;

(2) in section 806(c)(2) (22 U.S.C. 2431d(c)(2)), by striking “Tropical Forest Fund” and inserting “Conservation Fund”; and

(3) in section 807(c)(2) (22 U.S.C. 2431e(c)(2)), by striking “Tropical Forest Fund” and inserting “Conservation Fund”.

SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.

Section 813 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431k), as renamed by section 2(a), is amended—

(1) in subsection (a)—

(A) by striking “(a) IN GENERAL.—Not later than December 31” and inserting “Not later than April 15”; and

(B) by striking “fiscal year” both places it appears and inserting “calendar year”; and

(2) by striking subsection (b).

SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.

Section 806 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d), as renamed by section 2(a), is amended—

(1) in subsection (d), by adding at the end the following new paragraphs:

“(7) \$20,000,000 for fiscal year 2019.

“(8) \$20,000,000 for fiscal year 2020.”; and

(2) by amending subsection (e) to read as follows:

“(e) USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.—Of the amounts made available to carry out this part for a fiscal year, \$300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including personnel costs associated with such audits, evaluations, monitoring and administration.”.

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.

SECURING ENERGY INFRASTRUCTURE ACT

Mr. BOOZMAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 410, S. 79.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 79) to provide for the establishment of a pilot program to identify security vulnerabilities of certain entities in the energy sector.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Securing Energy Infrastructure Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE COMMITTEE OF CONGRESS.—The term “appropriate committee of Congress” means—

(A) the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) EXPLOIT.—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) INDUSTRIAL CONTROL SYSTEM.—

(A) IN GENERAL.—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions.

(B) INCLUSIONS.—The term “industrial control system” includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(5) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) PROGRAM.—The term “Program” means the pilot program established under section 3.

(7) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(8) SECURITY VULNERABILITY.—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

SEC. 3. PILOT PROGRAM FOR SECURING ENERGY INFRASTRUCTURE.

Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a 2-year control systems implementation pilot program within the National Laboratories for the purposes of—

(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that voluntarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and

(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

(A) analog and nondigital control systems;

(B) purpose-built control systems; and

(C) physical controls.

SEC. 4. WORKING GROUP TO EVALUATE PROGRAM STANDARDS AND DEVELOP STRATEGY.

(a) ESTABLISHMENT.—The Secretary shall establish a working group—

(1) to evaluate the technology and standards used in the Program under section 3(2); and

(2) to develop a national cyber-informed engineering strategy to isolate and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

(b) MEMBERSHIP.—The working group established under subsection (a) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:

(1) The Department of Energy.

(2) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.

(3)(A) The Department of Homeland Security;

or

(B) the Industrial Control Systems Cyber Emergency Response Team.

(4) The North American Electric Reliability Corporation.

(5) The Nuclear Regulatory Commission.

(6)(A) The Office of the Director of National Intelligence; or

(B) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(7)(A) The Department of Defense; or

(B) the Assistant Secretary of Defense for Homeland Security and America’s Security Affairs.

(8) A State or regional energy agency.

(9) A national research body or academic institution.

(10) The National Laboratories.

SEC. 5. REPORTS ON THE PROGRAM.

(a) INTERIM REPORT.—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate committees of Congress an interim report that—

(1) describes the results of the Program;

(2) includes an analysis of the feasibility of each method studied under the Program; and

(3) describes the results of the evaluations conducted by the working group established under section 4(a).

(b) FINAL REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate committees of Congress a final report that—

(1) describes the results of the Program;

(2) includes an analysis of the feasibility of each method studied under the Program; and

(3) describes the results of the evaluations conducted by the working group established under section 4(a).

SEC. 6. EXEMPTION FROM DISCLOSURE.

Information shared by or with the Federal Government or a State, Tribal, or local government under this Act shall be—

(1) deemed to be voluntarily shared information;

(2) exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records; and

(3) withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, or any provision of a State, Tribal, or local law requiring the disclosure of information or records.

SEC. 7. PROTECTION FROM LIABILITY.

(a) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under section 3—

(1) shall not lie or be maintained in any court; and

(2) shall be promptly dismissed by the applicable court.

(b) **VOLUNTARY ACTIVITIES.**—Nothing in this Act subjects any covered entity to liability for not engaging in the voluntary activities authorized under section 3.

SEC. 8. NO NEW REGULATORY AUTHORITY FOR FEDERAL AGENCIES.

Nothing in this Act authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) **PILOT PROGRAM.**—There is authorized to be appropriated \$10,000,000 to carry out section 3.

(b) **WORKING GROUP AND REPORT.**—There is authorized to be appropriated \$1,500,000 to carry out sections 4 and 5.

(c) **AVAILABILITY.**—Amounts made available under subsections (a) and (b) shall remain available until expended.

Mr. BOOZMAN. I ask unanimous consent that the committee-reported substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for 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 (S. 79), as amended, 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.

APPOINTMENTS CORRECTION

Mr. BOOZMAN. Mr. President, I ask unanimous consent that a correction to an appointment made on December 18, 2018, be printed in the RECORD.

For the information of the Senate, this correction is clerical and does not change membership of the United States-China Economic Security Review Commission made by the appointment.

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

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 Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the 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.

**ORDERS FOR THURSDAY,
DECEMBER 21, 2018**

Mr. BOOZMAN. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 11:30 a.m., Thursday, December 20; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, 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.

**ADJOURNMENT UNTIL 11:30 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 12:07 a.m., adjourned until Thursday, December 21, 2018, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

To be commander

AUSTIN L. ADCOCK
ANTONE S. ALONGI
MATTHEW S. AUSTIN
SAMUEL H. BABBITT
MICHAEL W. BAIRD
JON T. BARTEL
PATRICIA M. BENNETT
ROBERT A. BIXLER II
KELLY C. BLACKBURN
JULIE E. BLANCHFIELD
RONALD D. BLEDSOE, JR.
BRIAN T. BOLLAND
JEFFREY M. BOLLING
MARY D. BROOKS
KATHERINE L. BROWN
STACI K. BROWN
BRADLEY A. BRUNAUGH
KENNETH J. BURGESS
ERIC S. BURLEY
JASON A. BUSTAMANTE
WILLIAM B. CAHILL
JAMES M. CARABIN
JOEL B. CARSE
AARON J. CASAVANT
XOCHITIL L. CASTANEDA
ACE V. CASTLE
ERIC W. CHANG
DAVID K. CHAPMAN
DARYL C. CLARY
GREGORY A. CLAYTON
DAVID M. COBURN
MUHAMMADALI N. COCHRAN
ROBERT A. COLE
BRADLEY D. CONWAY
JAMES R. COOLEY
GEORGE H. COTTRELL
JEREMY A. COURTADE
MICHAEL T. COURTNEY
TREVOR C. COWAN
ALLISON E. COX
JONATHAN W. COX
BYRON A. CREECH
CARLOS M. CRESPO
DAVID B. CRUZ
JEFFREY R. DAIGLE
ALLISON M. DAMERON
MICHAEL R. DARRAH
JESSICA S. DAVILA
KELVIN J. DAVIS
ARTHUR M. DEHNZ
PHILLIP A. DELISLE
JOHN F. DEWEY IV
JARROD M. DEWITZ
JENNIFER R. DOHERTY
PATRICK A. DRAYER
LAUREN F. DUFRENE
CHRISTOPHER P. DUFRESNE
STANLEY P. FIELDS
BRANDON C. FISHER
MATTHEW P. FRAZEE
MICHAEL FRIEND
MATTHEW A. GANS

KEVIN E. GARCIA
CHRISTIAN C. GAUDIO
SARAH J. GEOFFRION
JAMES A. GIBSON, JR.
MICHAEL R. GILLHAM
GERROD C. GLAUNER
MATTHEW E. GRAY
MYLES J. GREENWAY
NAVIN L. GRIFFIN
MICHAEL C. GRIS II
JASON D. HAGEN
IAN A. HALL
ANDERS J. HAMMERSBORG
JAMES J. HANNAM
TODD E. HARTFIEL
JUAN M. HERNANDEZ
MARCUS T. HIRSCHBERG
JASON A. HOPKINS
NATHAN R. HUDSON
DANIEL J. HUELSMAN
MICHAEL J. HUNT
IAN T. HURST
RAYMOND D. JACKSON, JR.
WILL D. JOHNSON
MARK C. JORGENSEN
KEVIN L. KAMMETER
HANNAH K. KAWAMOTO
MARGARET D. KENNEDY
JAMES R. KENSHALO
COREY M. KERNS
GREGORY J. KNOLL
RICHARD E. KUZAK
KARA M. LAVIN
AMANDA M. LEE
BRANDON M. LINK
RICHARD A. MACH
AMY D. MCELROY
REYNA E. MCGRAIL
CLAY D. MCKINNEY
BRADLEY W. MIDDLETON
DAVID A. MIDDLETON
BROOKE A. MILLARD
JESSE M. MILLARD
JONATHAN D. MILLER
KENNETH R. MILLSON
TODD C. MOE
GREGORY N. MOURITSEN
GARY C. MURPHY
SAMUEL R. NASSAR
BRANDON J. NATTEAL
JOSHUA B. NELSON
KELLEE M. NOLAN
CHARLES S. NOVAK
DAVID M. OTANI
NICHOLAS W. PARKER
THOMAS T. PEQUIGNOT
ERIC C. PERDUE
LUKE R. PETERSEN
MARK A. PIBER
STEPHEN W. PITTMAN
JEFFREY R. PLATT
JASON T. PLUMLEY
CLAYTON S. PREBLE
KRISTEN M. PREBLE
RANDY L. PRESTON
MILES R. RANDALL, JR.
KENT R. REINHOLD
KENNETH H. ROCKHOLD
THOMAS C. RODZEWICZ
JOSE M. ROSARIO
ELIZABETH M. ROSCOE
ERIC S. RUNYON
MATTHEW A. SCHIBLER
DAVID P. SHEPPARD
BRENDAN C. SHIELDS
JONATHAN D. SHUMATE
DANIELLE M. SHUPE
LUKE M. SLIVINSKI
SCOTT R. SMITH
WILLIAM M. SNYDER
BENJAMIN J. SPECTOR
CHARLES B. STANLEY
JEFFREY J. SULLENS
PHILIP D. THISSE
KEITH O. THOMAS
CHAD R. THOMPSON
JAROD S. TOCZKO
ROBERTO N. TRIVINO
JORGE L. VALENTE
PEDRO L. VAZQUEZ
BRETT R. WALTER
MATTHEW J. WALTER
BENJAMIN M. WALTON
MOLLY K. WATERS
RYAN A. WATERS
MICHAEL E. WHITTREDGE
JAMES E. WILLINGHAM
CHARLES K. WILSON
ERIC J. WILSON
DAVID J. YADRICK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C. SECTION 271(E) AND TITLE 10, U.S.C. SECTION 12203(A):

To be lieutenant commander

JUSTIN P. AARONSON
MARK RYAN ALLEN
RHENEK K. ALLEN
JOSEPH P. ANTHONY
SHANON M. ANTHONY
JUAN R. APONTE
BRANDON J. ATEN
ANDREW D. BACON
JACOB D. BALDASSINI
LEMUEL R. BEAUCHAMP

RYAN T. BECK
BRETT F. BELANGER
SHEHU BELLO
MARTIN J. BERG
KELLY C. BERRY
ANNE E. BESSER
RICHARD A. BICSAK
DANIEL J. BLAICH
BROCK A. BLAISDELL
KEITH A. BLEVINS
ROGER BOGERT
STEPHEN D. BONDIRA
JOHN P. BOTTI III
RUDY H. BOWIS
CHRISTOPHER G. BOYKIN
DANIEL J. BRAHAN
NICOLE E. BREDARIOL
CHRISTOPHER A. BREUER
ERICA M. BREWTON
SALOME G. BRIGGS
AARON G. BROCKUS
EMILY H. BROCKWAY
KELLEY M. BROWN
KENTON G. BROWN
MARCUS W. BROWN
PATRICK J. BROWN
COLLINSON P. BURGWYN III
PATRICK M. BURNETT
DUSTIN R. BURTON
WILLIAM M. BURTT
KRISTINA I. BUTLER
RYAN BUTLER
ROBERT W. CANOY, JR.
JARED A. CARBAJAL
KEVIN P. CARMICHAEL
ERIC S. CASIDA
THEODORE L. CETRULO
SHAWN M. CHAUVOT
JOHN J. CHESNUT
JUSTIN D. CHURCH
JOSEPH J. CIARAVELLA
BRADFORD E. CLARK
MICHAEL P. COMERFORD
TABITHA C. CONNELL
LINDSAY N. COOK
SETH R. CRAVEN
NICHOLAS C. CUSTER
KYLE C. CUTTIE
NICOLE W. DEEM
DANIEL A. DELGADO
MICHAEL P. DEVOLLD
MATTHEW Z. DIULIO
BRIAN P. DOCHTERMANN
AARON J. DORRIAN
DANA T. DOUGHERTY
MATTHEW P. DYRDAHL
KEITH J. ENDRES
CHARLES R. ENGLAND
DAVID A. EVANS
KARIN N. EVELYN
MATTHEW E. EYLER
ANTHONY L. FALCE
KATHLEEN L. FALLON
DANIEL A. FEIRMAN
ERIN E. FILLMORE
LAURA M. FITZPATRICK
LAURA B. FOSTER
JAMES E. FOTHERGILL
MORGAN M. FOWLER
MICHAEL I. FREEMAN
HEIDI A. FUNKHOUSER
ADRIANA J. GAENZLE
DAVID J. GARDEN
THEODORA T. GAUDREN
MICHAEL J. GEREAU
ERIN M. GILL
LAUREN M. GILLKIN
GREGORY D. GILMORE
SEAN C. GLAVAN
RYAN A. GOMEZ
SONHA A. GOMEZ
FELIPE L. GUARDIOLA
MICHAEL J. HAAS
SAMUEL B. HAFENSTEINER
DANIEL P. HALSIG
JESSICA E. HAMILTON
MATTHEW G. HARDGROVE
AMANDA L. HARRIS

NICHOLAS R. HARTMANN
LISA M. HATLAND
JUSTIN C. HECK
DAVID H. HERNDON
KEELY J. HIGBIE
KEVIN J. HIGGINS
DANIEL R. HILBURN
HUNTER A. HILL
SHAKA W. HILL
CORY J. HOFFMAN
CHRISTOPHER J. HOOPER
CHRISTINE T. IGISOMAR
ANTHONY V. IPPOLITO
ANDREW G. JAROLIMEK
JASON J. JOLL
PHILIP A. JONES
TIMOTHY M. JONES
MATTHEW R. KAHLEY
THOMAS G. KAI
ANDREW P. KAUFFMAN
MICHELLE E. KEATING
TYLER E. KELLEY
MOLLY E. KEYSER
BRYAN M. KILCOIN
GARIN A. KIRKPATRICK
MARY E. KLYNMAN
RYAN A. KOROKNAY
KEVIN X. KUHN
PHILIPP C. KUNZE
LAURA L. LADD
CHRISTOPHER M. LAFRAMBOISE
MATTHEW R. LAM
PATRICK D. LAMMERSEN
GREGORY R. LANDOSKY
MICHAEL C. LANGELIER
GRANT H. LANGSTON
TERENCE O. LEAHY
ELIZABETH A. LEDBETTER
CHANEL L. LEE
ROBERT S. LIST
LUIS D. LLANES
SAMUD I. LOONEY
JAVIER E. LOPEZ
ERIC J. LUNDE
CONOR S. MADISON
JONATHAN D. MAGIN
JEREMY D. MAGINOT
JOHN O. MANSOLILLO
THOMAS C. MANSOUR
ZEPHYR R. MAYS
ROBERT E. MCCABE
BRETT F. MCCALL
JEREMY T. MCCALL
JASON P. MCCARTHEY
FRANK W. MCINTOSH IV
JESSICA L. MCINTYRE
CHRISTOPHER J. MCKAY
MARTIN J. MCKENNA
COREY M. MCPARTLIN
BRENT M. MELLEN
ADAM D. MILLER
BRIAN L. MILLER
DANIEL E. MILLER
PATRICK J. MILLER
RONALD A. MILLER
JOHNANDREW M. MINNITI
TYLER A. MONEZ
DELOISE L. MOORE
TIMOTHY M. MOSHER
ADAM T. MOSLEY
RYAN W. MOWBRAY
THOMAS D. MULDER
JASON D. NGUYEN
LIEZL A. NICHOLAS
ANDREW S. NORBERG
DANIEL F. OBRIEN III
CHRISTOPHER M. OCONNOR
ERIN K. ODONNELL
JAMES J. OKORN
CHELSEY G. OLSON
CHRISTOPHER M. O'MEARA
GREGORY J. OSTROV
TIMOTHY K. OZIMEK
CHRISTOPHER K. PACE
DANIEL M. PARKER
TERRI A. PARRIS
CALEB L. PEACOCK
MICHAEL M. PERSUN

JEREMY A. PICKARD
MATTHEW D. POORE
PATRICK R. POWERS
ANDREA L. PSIMMER
GREGORY G. QUILLEN
KRISTINA L. QUINN
CHRISTOPHER P. RABALAIS
CLAIRE M. REILLY
CHARLES J. RESSEL
ANDREA S. RICE
KYLE T. RICHTER
CALEB C. ROBARDS
ZACHARY B. ROBERTSON
LEONEL ROBLES, JR.
MARIA A. ROSARIO
SOREN J. ROSE
KEVIN J. ROTHMICH
LUIS M. RUCK
RAPHAEL J. SADOWITZ
MATTHEW H. SALDIVAR
JOHN F. SAUVE
KARL E. SAVACOL
VICTORIA A. SAXON
BRANDON S. SCHUMANN
JASON R. SCOTT
GUSTAV J. SEYLERSCHMIDT
NATHAN A. SHAKESPEARE
GEORGE W. SHEPHERD
SHAWN C. SIMERAL
ERIN L. SLYCORD
GABRIELLA M. SMYTH
DREW SONETIROT
ALEX J. STACHEL
ANDREW M. STEC
DAVID M. STERN
ASHLEY D. STONE
MATHEW B. STUBER
AMANDA M. STYLES
KYLE M. SWEET
KRISTOPHER J. TAMBURELLO
CHARLES W. TAYLOR
STACY J. TEIXEIRA
JORGE A. TELLER
NKOSI R. THOMAS
WADE P. THOMSON
JONATHAN D. TICE
MEGAN C. TRIVETT
ELIZABETH A. TUFETS
ERIC C. TURNER
KATHERINE M. USTLER
MATTHEW R. VANDERSLICE
LINH VINH
ASHLEY J. VRYHEID
WILLIAM S. WALLER
BRIAN S. WALLER
JOSEPH K. WALTON
CHRISTOPHER S. WARD
BRYAN D. WATTS
GREGORY C. WAUGH
DENNIS R. WESTERMANN
ADAM M. WHALEN
JAMES F. WHITE
CHARLES M. WHITESEL
MARK A. WHYTE
ZACHARY M. WIEST
DERRICK A. WILLIAMS
KELLY A. WINSLOW
SHEA G. WINTERBERGER
JESSICA L. WISSMANN
NATHAN E. WOJCIK
BERT L. WOODS
MATTHEW E. ZACKMAN
JAMES B. ZORN

CONFIRMATION

Executive nomination confirmed by
the Senate December 19, 2018:

OFFICE OF THE DIRECTOR OF NATIONAL
INTELLIGENCE

JOSEPH MAGUIRE, OF FLORIDA, TO BE DIRECTOR OF
THE NATIONAL COUNTERTERRORISM CENTER, OFFICE
OF THE DIRECTOR OF NATIONAL INTELLIGENCE.