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.

Spirit of God, descend on our hearts. For apart from You, we live our lives in vain. May our Senators walk in Your ways, keeping Your precepts with such integrity that they will never be ashamed. Lord, incline their hearts to Your wisdom, providing them with the understanding they need to accomplish Your purposes in our world. Let Your mercy protect them from the dangers of this life, as they learn to find delight in Your guidance. Keep them ever mindful of the fewness of their days and the greatness of their work. Remove from them any bitterness or resentment that corrodes their peace. Deliver them from the tyranny of trifles, as they strive to accomplish Your work on Earth.

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.

**RECOGNITION OF THE MAJORITY LEADER**
The PRESIDING OFFICER (Mr. STRANGE). The majority leader is recognized.

**HEALTHCARE**

Mr. MCCONNELL. Mr. President, Americans have been hurting under ObamaCare. Senators took a big step toward moving beyond its failures with the motion-to-proceed vote earlier this week. It allowed the Senate to proceed with this important debate. It allowed the Senate to work through an open amendment process.

Senators have considered proposals already, including some procedural motions from across the aisle. Senators will have the opportunity to consider many, many more amendments tonight. I know that colleagues in both parties are eager to do so.

I encourage Senators with healthcare ideas—whether Republicans, Democrats, or Independents—to bring their amendments to the floor. We have heard many different ideas on healthcare in recent months. Not every idea, of course, is a good one.

One idea from the Democratic leader is simply to throw money at insurance companies—no reforms, no changes, just a multimillion-dollar bandaid.

Another idea from many other Democrats is to quadruple down on ObamaCare with a government-run single-payer system. It is called single payer because there is one payer, or insurer, the government. Nearly every healthcare decision would be directed by a Federal bureaucrat. Taxes could go up astronomically. The total cost could add up to $2 trillion, according to an estimate of a leading proposal.

We will vote on single payer this afternoon, and we will find out what support it enjoys in the Senate—especially on the other side of the aisle. We all know this is likely to be a very long night. It is part of a long process that has taken a lot of hard work from a lot of dedicated colleagues already.

One phase of that process will end when the Senate concludes voting this week, but it will not signal the end of our work—not yet. Ultimately, the goal is to send legislation from Congress to the President—legislation that can finally move us beyond ObamaCare’s years of failures.

The President is ready to sign legislation. Congress will keep working to pass it because we know the American people deserve better than ObamaCare. They deserve better than ObamaCare and its skyrocketing costs. They deserve better than ObamaCare and its job-killing regulations. They deserve better than the job-killing mandates, collapsing markets ObamaCare has given them.

We all know this. We all know that the ObamaCare status quo hasn’t been working for the people we represent. We have known it for literally years. Many of us committed to voting for a better way on healthcare. That is what every Senator who supported the motion to proceed voted for on Tuesday.

Let’s finish our work. Let’s not allow this opportunity to slip by. We have made important progress already. We can build on it now.

The moment before us is one many of us have waited for and talked about for a very long time. It is a moment that can’t come soon enough for the people we represent. I urge everyone to keep working hard so we can get this over the finish line. It is what our constituents and our country deserve.

**RESERVATION OF LEADER TIME**
The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

**CONCLUSION OF MORNING BUSINESS**
The PRESIDING OFFICER. Morning business is closed.

**AMERICAN HEALTH CARE ACT OF 2017**
The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1628, which the clerk will report.

The senior assistant legislative clerk read as follows:

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

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Printed on recycled paper.
A bill (H.R. 1628) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

Pending:
McConnell amendment No. 267, of a perfecting nature.
McConnell (for Daines) modified amendment No. 340 (to amendment No. 267), to provide for comprehensive health insurance coverage.

Under States residents, improved healthcare delivery.

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. will be equally divided between the leaders or their designees.
If not the time, time will be charged equally to both sides.
The Senator from Delaware.
Mr. CARPER. Mr. President, I spent many years of my life in Navy airplanes. I am a retired Navy captain. Senator ALEXANDER said something the other day about the fact that a pilot doesn’t start up and take off in an airplane unless he or she knows what the destination is. I thought that was pretty interesting. It is true.

With respect to healthcare in this country, we have actually known for a long time what the destination is, and the destination is a combination of three things: better healthcare coverage for everyone, and cover everyone. That is really our destination. It is not just the destination this year in this Congress; it has been our destination really since Harry Truman was President.

For some years, we have argued and disagreed about how to get to the destination. I don’t think anyone would argue about the need to get to that destination, but the question is how.

In 1993—I mentioned yesterday in my remarks on the floor—Hillary Clinton was a brandnew First Lady and worked on something called HillaryCare. In response, Republicans came up with something that really has its roots and origin from the Heritage Foundation. They had a market-based approach, which called for every State having their own exchange, where people without coverage could get health care coverage. There would be a sliding scale tax credit that would help buy down the cost of premiums for folks who got the coverage in their State’s exchange. Low-income people got a bigger tax credit. Higher income people had a smaller tax credit that would eventually fade away.
The fourth piece of the Republican alternative to HillaryCare was the idea of an individual mandate, which basically said that everybody has to get coverage. If you don’t, we can’t make you, but you have to pay a fine. Over time the fine would go up.

The third piece of the Republican proposal in 1993 was that employers of a certain size with a certain number of employees would have to make sure they provided coverage for their employees. I don’t remember a lot of specificity of what that coverage would include, but if they had quite a few employees, they would have to provide coverage for them, make it available.

The last piece was the idea that health insurance companies would say at that time: If you have a preexisting condition, sorry, we are just not going to cover you. The Republican proposal said: That is verboten. You can’t do that, insurance for healthcare.
So that was their idea that was introduced here. There were, I think, about 23 cosponsors, led by John Chafee, who was a former marine, former Governor of Rhode Island, U.S. Senator, and highly regarded. The legislation he introduced in 1993 had 20, 22 cosponsors, I think, including some people who are still here—Senator HATCH, Senator GRASSLEY, and a number of others. That idea became RomneyCare.
In 2006, Governor Romney sought to cover everybody in the State of Massachusetts before running for President. It was a pretty good idea. It was such a good idea that when we worked on the Affordable Care Act, that idea was one of the major principles, one of the major pillars of the Affordable Care Act.
Now—I said this yesterday—Barack Obama gets credit for coming up with that approach to provide healthcare. He is a smart guy, but that wasn’t his idea. That was my idea. That I didn’t come up with that. Governor Romney didn’t come up with that.

I don’t think Senator John Chafee, beloved Senator from Rhode Island—neither he nor Senator HATCH nor Senator Dole have made it known that it was an idea from the Heritage Foundation. It is probably here, as a Democrat, to say this, but it was a good idea.
It was a good idea in 1993. It was a good idea in 2006 in Massachusetts, and it was a good idea when we folded it into the Affordable Care Act as one of the major pillars.

I want to go back and revisit 2009 just for a little bit. There are those who believe that there was no bipartisan involvement in this. The Senate John's— They just hustled through without a lot of thought or debate. As it turns out, I think we spent 80 days all total in the U.S. Senate in that Congress in 2009, debating the bill in committees—the two committees of jurisdiction. I served then and I serve now on the Finance Committee. We spent a heck of a lot of time in debates and markups where people had a chance to offer amendments, debate them. The Health, Education, Labor, and Pensions Committee had it that year, 2009, similarly in bipartisan hearings, with bipartisan amendments, debate. All totaled, I believe, over 300 amendments were offered in Senate committees of jurisdiction, and I am told that 160 amendments up with the Republican Senators were adopted and made part of the legislation.

I know our Republican colleagues believe that they were shut out of the process, but I think a closer review of that process in history would suggest that just wasn’t so. Was it a perfect process? No. Could it have been better? Sure. You can always do things better. But it was a process that we went through in order to address this concern.

In 2008, during that year's election, one of the things I learned was that we were spending in this country, as a percentage of GDP for healthcare, 18 percent of GDP. I have tried to ask him when I ask him how he is doing, says: Compared to what?
I would just say: Well, what were the Japanese spending in 2008 as a percentage of GDP for healthcare? It was 8 percent. Think about that. Well, maybe we got better results; maybe people live longer in this country or we have lower rates of infant mortality than the Japanese. No, it is not true. They got better results. They spent half as much, and they got better results.

Well, maybe a lot of people in that country didn’t have coverage and we covered everyone. Actually, just the opposite is true. They covered everyone. We had 40 million people who went into 2009 without any healthcare coverage, and for a lot of them, access to healthcare coverage was the emergency room of a hospital.

As you all know, as we know, when people get sick enough, they will get covered in this country. It may not be cost-effective care. It may be expensive care because it is not just an emergency room visit. In many instances, it is the admission to the hospital and a stay that could last for days or even months. People do have much more to lose in a hospital, it costs to stay in the hospital. It is hugely expensive. Eventually, people would get healthcare coverage or healthcare attention, but a lot of times it costs an arm and a leg, literally and figuratively. So the question was, could we do better than that?

What we came up with is a multifaceted approach, which includes that Heritage Foundation idea of the exchanges where people didn’t have coverage. It would not be just on spending money on people when they were sick, but to save us—not to have so much a sick care system, but to have a healthcare delivery system that focuses more on helping people to stay healthy and well, not just on spending money on people when they reach the age of 50, get a colonoscopy and they don’t have to pay a whole lot of money to get it because that would be part of their health insurance coverage.

I have a friend whose mom died several years ago. My friend and I work out at the YMCA in Wilmington from time to time. She just turned 50, and I said: Well, how do you think you would be if your parents? My friend is really fit, and I said: How old are your parents now?
She said: They are both deceased.
I said: Really? What happened?
She said: My mom died of colon cancer, a number of years ago. My parents?
I said: Didn’t she get the colon screening—the colorectal screening and all?
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She said: No, no, no. She didn’t like that, didn’t want to do that. It costs a lot of money, and so she just didn’t do it.

We have other people who, over the years, have not had prostate screenings for prostate cancer. And we have lost people who didn’t have breast cancer screenings because, in some cases, it is unpleasant and, in some cases, just because it can cost a lot of money, and a lot of that was out of pocket, so people would forego that. We have changed that. We have people to get the screenings and to be able to get those screenings and find out and make sure that they are not going to get sick and cost a lot of money.

My friend’s mother was sick for many months. I can’t imagine how much it cost—and all that for maybe a $1,000 colorectal screening that was not taken.

We don’t do that stuff in this country much anymore. We actually offer the screenings. They are free. With our focus on wellness and prevention and things like annual physicals, we want to catch problems when they are small.

One of the reasons healthcare coverage in Japan was so good during the period of missions in the mid—western part of Japan during the Vietnam war, and one of the things I learned about Japan is that, one, the people are very slender. In this country, about one-third of our people are obese or on their way to being obese. Obesity is a great precursor, which says that this person is going to have healthcare problems and costly healthcare problems. There are a lot of people in this country who still smoke—not as many as before—but that is another predictor of people on whom we are going to have to spend a whole lot of money.

The other thing that caught my eye in Japan was the access to primary healthcare close to where people live. In almost every neighborhood of any consequence, people had access to a clinic where they could go for a check-up, for a physical to catch problems when they are small and to address them when they are small. As we looked around the world at things that were working, that would seem to be something that worked, we tried to make sure that was part of our approach in the Affordable Care Act.

Another thing we found that worked is, in some countries, screening—literally here in this country—the Mayo Clinic, the Cleveland Clinic, and places like that—one of the secrets of their success, better results for less money, is the idea of coordinating the delivery of healthcare—coordinating the delivery of healthcare.

My mom, now deceased, lived until she was 82. She had dementia. She had arthritis. She had congestive heart failure. She had any number of ailments. My dad had passed away several years before she lived near Clearwater, FL. We had people—my sister had people living with her to take care of her until later in her life. At one time, my mom was seeing five or six doctors. They were prescribing a total of 15 medicines for her. I remember we had in her home something that looked like a fishing tackle box—my dad’s fishing tackle box. You may have seen it. He had all these medicines in it to take before breakfast, with breakfast, after breakfast, before lunch, all the way to bedtime, and they are all set up and arranged. Fifteen different medicines she was taking from six doctors who never talked to each other. Nobody had any idea what was being prescribed for my mom. Nobody was coordinating that care. That is foolish. I know a lot of those medicines probably interacted badly with each other and hastened my mom’s decline and death.

The focus we had on the Affordable Care Act, with coordinated delivery of healthcare among different doctors and different specialties and with hospitals, nursing homes, federally qualified community health centers, and the VA, we do a much better job at coordinating delivery of healthcare.

In Delaware, we just don’t have electronic health records for healthcare—where we have them all over the country now. One thing that came out of the original Affordable Care Act was we put the pedal to the metal and said we want a whole lot more electronic health records being used that talk to each other to improve the delivery of healthcare—better care. Delaware took it a step further. In Delaware, we have something called the Delaware Information Network, which I signed into law, authorizing it in my last term as Governor. I had no idea really what the potential was of what we were doing, but with some help from the Federal Government, we have now just a terrific utility, a terrific mechanism to help us take this idea of coordinating delivery of healthcare and put it on steroids and, thereby, improve the quality of healthcare.

I have been approaching this day with real concern. I am an optimistic guy. I am a glass half-full guy, but I have been troubled a lot more than not. I went home last night and my wife met me at the door and she said: You don’t seem yourself. I said: I am troubled, and she said she was too. She had been watching too much TV. There are a lot of concerning things going on in this city, at the White House, and even in this building.

We are at our best when we work together. We Democrats didn’t create Social Security by ourselves. The GI bill—I was a beneficiary of the GI bill at the end of the Vietnam war, and so was my father at the end of World War II. There have been good ideas like Medicare. Democrats didn’t create them by themselves, Republicans didn’t create them by themselves. We worked together to create that landmark piece of legislation and programs that all of us would agree are good for this Nation and good for our people.

When you are dealing with a subject that involves maybe everybody in the country and perhaps one-sixth of our population, this is one we ought to do together. We ought to do this together. JOHN McCAIN and I served during the Vietnam war. We worked on normalizing relations with Vietnam. He was a Senator with John Kerry, and I was a House Member with a bunch of my colleagues over there.

JOHN McCAIN stood right over here a couple days ago. We were all happy to see him back. We welcomed him back because we need him and his leadership. He said a number of times during his remarks that what we need is regular order.

I guess people who might have been watching on C-Span are wondering what is regular order.

We have a new crop of pages here. Let me just say to our pages who are rising juniors and coming up from all over America and actually do a great job of helping make sure this place doesn’t get too messed up in more ways than one, regular order is when people have a good idea, whether it is in healthcare, defense, or agriculture, and actually have a good idea and introduce legislation. I try to introduce legislation most times with bipartisan support. I have learned you get better results in the end if you do that.

The idea of regular order is introducing legislation that reflects and addresses a need or an issue. That bill is introduced here in this Chamber. It is assigned by the Parliamentarian to the committee of jurisdiction. The sponsor or sponsors of the bill go see the chair of the committee where the bill is assigned and ask for a hearing. If they convince the chair of the committee it is a good bill, with a good idea, then there is a good chance they will have a hearing. At that hearing, the witnesses—expert witnesses, stakeholders. Those witnesses will say: I like this about that bill or I see a problem with that bill, and there are changes that should be made to the bill. In some cases, we invite the Congressional Budget Office, sometimes Senators or House Members to come in and testify as well.

On an issue that is this important, we need regular order because what is happening in the Republican—happening in this place—happening in this chamber—and hopefully we will find out what their ideas are today—we need to check the tires, take the time to find out what is good about it and what is not and fix it in committee, where Democrats and Republicans can offer amendments, debate them. That will be done in the Finance Committee and also in the Health, Education, Labor, and Pensions Committee.

That is what we ought to do. If we take that approach, we will end up with a better final result; rather than being a country that looks at other countries around the world, asking: Why does Japan get better results than
we do, spending half as much money and they can cover everybody—why is it that?

I am proud of much of what we do in this country with respect to healthcare; in many ways, we are on the move as you know and as I said, it is a work in progress and I think the thing I do, I know I can do better. We can sure do a better job on healthcare.

Last thought. I see we have been joined by the Democratic leader, and I will say a few words before yielding the floor to the majority leader. And the content of my remarks is that a skinny repeal gets us right back into the exchanges in every county and bring down the premiums by 25 percent to 35 percent; provide certainty and predictability for the insurance companies. With that predictability and certainty, we have more competition. The insurance companies get into the game, and they say we are going to offer policies as well.

After we have done that, let’s pivot and address, as Democrats and Republicans working together, fixing those parts of the Affordable Care Act that need to be fixed and preserve the parts that need to be preserved. Let’s do that together.

With that, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

THANKING THE SENATOR FROM DELAWARE

Mr. SCHUMER. First, let me thank my colleague, the junior Senator from Delaware, not only for his remarks but for his constant, conscientious concern about this country in just about every area. Whenever he speaks, he has a great deal of thought behind it because he is thinking while he sleeps at night. He has so many thoughts. It also comes from a good soul and a good heart because he really cares about making this country better and is working together in a bipartisan way to do that whenever he can. I thank my colleague.

Mr. President, it is likely, at some point today, we will finally see the majority leader’s final healthcare bill, the bill he intends to either pass or fail. I think that what we have been going through is a pretense, defeating Republican bills whenever he can. I thank my colleague. Whenever he speaks, he has a great deal of thought behind it because he is thinking while he sleeps at night. He has so many thoughts. It also comes from a good soul and a good heart because he really cares about making this country better and is working together in a bipartisan way to do that whenever he can. I thank my colleague.

Mr. President, it is likely, at some point today, we will finally see the majority leader’s final healthcare bill, the bill he intends to either pass or fail. If he doesn’t have the votes going through a pretense, defeating Republican bills that never had enough support even within their own caucus to pass. Repeal and replace has failed. Repeal without replace has failed. Now we are waiting to see what the majority leader intends for the Republican plan on healthcare. If the reports in the media are true, the majority leader will offer a skinny repeal as his final proposal.

As I mentioned last night, Democrats will offer no further motions or amendments until we see this skinny bill, but make no mistake, once we do see the bill, we will begin preparing amendments. In the event the bill fails, we can move directly to the NDAA, and out of deference to my dear friend Senator McCain, we will move to move that piece of legislation quickly.

If the skinny bill passes, remember, Democrats have an unlimited right, after it passes, to offer an unlimited amount of amendments. Now, many of my colleagues have many amendments on healthcare. They have just been waiting to see the final bill Leader McConnell will bring to the floor.

I want to put my colleagues on both sides of the aisle on notice, my Democratic and Republican colleagues, that they should prepare for numerous Democratic amendments if the skinny bill passes. With the skinny bill passing, it doesn’t have to be the skinny bill, it will not be the last vote. There will be many more after that to change it and to modify it. I want everyone to understand that.

I also want everyone in this body to understand that a skinny repeal based on the four or five provisions of the bill that seem to be what the majority leader is considering: get rid of the individual mandate, get rid of the business mandate, get rid of the Cadillac tax, get rid of the tax on medical devices, and get rid of some of—I believe they considered getting rid of some of the essential healthcare provisions as well. Even if the majority leader’s final healthcare bill, the skinny repeal. We Democrats asked the nonpartisan Congressional Budget Office to score the skinny repeal based on the four or five provisions of the bill that seem to be what the majority leader is considering: get rid of the individual mandate, get rid of the business mandate, get rid of the Cadillac tax, get rid of the tax on medical devices, and get rid of some of—I believe they considered getting rid of some of the essential healthcare provisions as well. Even if the skinny repeal, the American people would pay 20 percent more for their premiums starting next year. Premiums would go up 20 percent—not 3 years from now but in January—according to the CBO.

Let me repeat that.

A skinny repeal means 16 million fewer Americans with insurance and premiums up 20 percent next year and will stay there. It is not that they go down later, as in one of these CBO estimates. It means that they pay millions more after that to change it and to modify it. I want everyone to understand that.

To my colleagues on the other side of the aisle who are thinking of voting for this skinny bill, listen, CBO said, which is nonpartisan and headed by a Republican whom Senator McConnell and Speaker Ryan agreed to appoint. The Congressional Budget Office said that a skinny repeal would cause millions of Americans to lose health insurance, and millions of Americans would pay 20 percent more for their premiums starting next year. Premiums would go up 20 percent—not 3 years from now but in January—according to the CBO.

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Let me repeat that.
promise the American people that you would raise premiums on everyone? I didn’t hear that in the promises. That is what a skinny repeal does. Did you promise the American people that you would take healthcare away from tens of millions? I did not hear that. That is what the skinny bill does.

No, the Republicans not only promised to repeal the Affordable Care Act, but they promised to replace it with something better. I do not know why, but somehow, the first promise is more important than the second. The skinny plan manages to anger everyone—conservatives, who know it is a surrender and know it does not come close to the full repeal they promised, and moderates, who know that it will be terrible for their constituents.

Is this the one plan that finally unites the Republican Senate—a plan that angers everyone—conservatives, moderates, and, perhaps, most of all, the American people? I cannot believe that, that would not.

If the Republicans pass such a devastating plan, either one of two things could happen. The House could simply take up the skinny bill repeal, making all of those terrible possibilities a reality. That would go up in January, and insurance markets would collapse. In fact, if the House passed this skinny bill, our entire healthcare system could well implode. Everyone who voted for it, regardless of motivation, will rue it.

Or they could take it to conference, which is a pathway to full repeal. In conference, the Freedom Caucus will demand a full repeal—or something close to it—with all of the associated cuts to Medicaid and tax breaks for the wealthy, which so many here in the Senate have labored months to undo.

So this thing is turning into a game of hot potato. The House passed a bill that they do not like. They had to hurry and do it twice and pass the hot potato to the Senate. Senator MCCONNELL is juggling that hot potato. He cannot get the repeal, and he cannot get repeal and replace. So he comes up with this plan that no one likes, but they say: OK, we can send the hot potato back to the House.

How many more months is this going to go on, when we could be sitting down, in a bipartisan way, as my good friend from Arizona has recommended, and work together in the committee process.

In the gym this morning, I saw LAMAR ALEXANDER, the head of the HELP Committee. We see each other just about every morning in the gym. I was wearing, I think, my Syracuse T-shirt, and he was wearing his Tenessee Volunteers T-shirt.

I said to LAMAR: If this skinny bill goes down, as it should—and I spoke to PATTY MURRAY, our ranking member—we will sit down and work in a bipartisan way to improve ObamaCare. We know that ObamaCare needs some work. We do not deny that. Let’s do it in a bipartisan way instead of passing this hot potato back and forth, back and forth, back and forth, and not getting anything done.

While our leaders are passing this hot potato, insurers will be setting their rates for 2018. That means that insurers will have to lock in rates for the next year with this massive uncertainty hanging over their heads, leading to huge rate increases or decisions to pull out of markets. A skinny repeal as a way to get to conference is a recipe for disaster. Beyond that, it is a shameful way to legislate.

My Republican friends should listen to the wonderful speech that the man whom we admire gave—JOHN MCCAIN—when he came back. We should be working in a bipartisan way. My Republican friends, you should not be passing a bill that you do not support or believe in, that you pray will not become law. If you believe that this bill should become law, vote yes, but if you do not believe that the bill should become law, do not vote in and simple. Then we can resume in the Finance Committee and in the HELP Committee a bipartisan process of making the present healthcare system better, which needs to be done.

You do not want to advance terrible legislation and hope that it will magically get better in conference. Let’s not forget that, months ago, many House Republicans justified their voting for their nightmare bill because they thought it would get better in the Senate. It has not gotten any better. In fact, it has only gotten worse, and a conference will be no different. Voting yes on a bill that you do not support just to get it to conference is an unscrupulous way of legislating, particularly on this issue, but that is, so far, what the Republican leader is doing.

There may be no better example than the amendment offered by Senator DAINES, which favors Medicare for all. I cannot believe that this is happening, because all of the Republicans are going to vote against it. It is just pure cynicism, pure politics, and is not a serious effort to legislate and make things better when people need help. Senator DAINES does not support the bill. He just wants to get Democrats on the record. The majority leader has made pending an amendment that both he and the author of the amendment will oppose, and that is the very definition of a political game.

We Democrats are not going to go along, because this is not a game. This is not a joke. It is not hot potato. We are talking about people’s lives. We do not have time for phony amendments to phony bills. You do not play games with the healthcare of the American people.

As I said, anyone who listened to the eloquent words of my dear friend from Arizona should blush at this process. His was a clarion call that both sides of the aisle can do better. He criticized his side for being partisan, and he criticized our side for being partisan. He is right on both counts. We all can do better. Let’s start. The Daines amendment does not do that. That is for sure. The only answer is to start over together, to work together through regular order, and to get some legislation that we can all live with.

Mr. President, I have one other point, on Russia sanctions. It is apropos. I didn’t know, when we read all of this stuff, that my good friend from Arizona would be here. Even as we debate other stuff on the floor, we should not delay this legislation on the Russia sanctions any longer.

Last night, the chairman of the Foreign Relations Committee here in the Senate said that he was ready to move the package quickly. That is what Senator CORKER said, and I am glad he did. I will work with the majority leader to send this legislation to the President’s desk before the recess. We have already cleared this legislation on the Democratic side. We are prepared to move it by unanimous consent. If it happens, I will have something to wear.

I hope the White House signs this. This morning, the White House Communications Director said that President Trump may veto the legislation so that he could make a tougher deal with Russia than could Congress. The idea that the President would veto this legislation in order to toughen it up is laughable. I am a New Yorker, too, and I know bull when I hear it. If the President vetoes this bill, the American people will know that the United States has put Putin, that he is giving a free pass to a foreign adversary who violated the sanctity of our democracy by meddling in our election and who seeks to undermine democracy and American life in any way he can. I hope and expect, if the President decides to use the first veto of his Presidency on this bill, that Congress will swiftly override it.

I see my friend here, the majority leader. I appreciate his work on making this Russia sanctions bill happen and being available. I hope that we will get the House bill to the President’s desk, and I hope the President signs it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I will just clarify, the Republican leader and the chair of the Armed Services Committee want to discuss NDAA. They will not make any motion to move to it. I have no problem with them discussing it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, while the Democratic leader is still on the floor, I just wanted to mention that I
understand his concern about the healthcare issue and the amendments and the process for moving forward and the necessity for doing so. I made my views very clear; I won't repeat that eloquent speech I made. I would just like to say that I spoke to Senator New York that we do have a bill that passed through the committee 27 to 0—not a single person against it—after many days of debate, amendments, discussion, including a couple hundred amendments that were disposed of in the tradition of the Armed Services Committee. I believe it is in everybody's interest to go ahead and take up the Defense bill so that we can go to conference and resolve other issues, such as sequestration, et cetera.

I understand the frustration my friend from New York feels, but where I have a disagreement with my friend from New York is saying that these two issues are inseparable. I believe that the American people want—a fair process. The American people want—a fair process. And we can do what the Senator from Arizona recommended when he came back and gave his moving speech. But my caucus—I have spoken to a few—feel very strongly that this process on healthcare has been awful, and it is because of reconciliation, and now reconciliation has put NDAA in a bind as well. Let's get rid of reconciliation, and we can do what the Senator from Arizona wants and what I think the American people want—a fair process.

Without objection, it is so ordered.

The Senate from Arizona.

Mr. MCCAIN. Mr. President, I don't want to continue; our leader has important words to say. All I can say to that is I think this is not the same. Defending the Nation is our first priority. That is what our Declaration of Independence says. That is the basis for all of our roles here. There are men and women who are in danger, who need this legislation in order to be better equipped and better able to defend themselves and this Nation.

I am asking for a few hours because, as my two colleagues over there will state, we passed this bill 27 to 0 through the Armed Services Committee. We fight. We argue. But the fact is, we come out with a product that we are proud of, and then all of us have support.

So all I am asking of the Senator from New York is if we could go off of this for a few hours, because we have basically an agreement on amendments, and get this thing to the President so that he can protect and defend this Nation. That is all I am asking.

Mr. SCHUMER. Mr. President, I would simply say once more to my colleague briefly—

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. We can do both. We can do both. It is very simple. It is just what my dear friend from Arizona asked about 2 days ago: regular order on both. We can have both.

You can't ask—it is unfair, in my judgment—and I have great respect—to ask for one and then continue to tie our hands on reconciliation on healthcare.

I yield the floor.

Mr. MCCAIN. Mr. President, very quickly, that is equating these two issues at the same level of concern. I would argue that defending this Nation and the men and women who are serving it is our first priority. I don't wish to debate the Senator from New York.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, this is becoming overly complicated. The chairman of the Armed Services Committee and I are talking about what comes next after we finish the healthcare debate. The chairman briefed me in my office a few moments ago, the chairman would like to turn to NDAA next. Healthcare, whether our friends on the other side like it or not, will come to a conclusion here at some point. The issue is what comes next.

As the chairman of the Armed Services Committee has pointed out, this is a totally separate issue and, as he pointed out, a bill that came out of his committee 27 to 0. As we all know, he is available to manage that bill this week.

What I am saying to our colleagues on both sides of the aisle is when we
finish healthcare either the way I would like to finish it or the way our Democratic friends would like to finish it, we are going to try to turn to NDAA and accommodate the chairman’s schedule and give him an opportunity to finish that bill while he is here. That is the plan.

So I hope we will be able to work our way toward that when we finish healthcare. I will ask unanimous consent—not now, but I will be asking for unanimous consent to turn to the National Authorization Act. I yield the floor.

Mr. ALEXANDER. Mr. President, last Wednesday at the White House, President Trump invited Republican Senators there, and he recommended to us that we repeal and replace ObamaCare at the same time, simultaneously. He said that before in his ‘‘60 Minutes’’ interview in January—we should repeal and replace ObamaCare simultaneously, which means, to me, at the same time.

That is one reason I voted yes on Tuesday for us to proceed to the House of Representatives’ bill, because it would repeal and replace ObamaCare at the same time. That is one reason I voted on Tuesday for the Senate healthcare bill, which would have replaced and repealed ObamaCare at the same time. I agree with the President—we should repeal and replace ObamaCare at the same time. The House voted to do that, the President recommended we do it, and I agree we should repeal and replace at the same time.

Why would I say it needs to be done at the same time? There was a time in the past where we might have just repealed it and said: In 2 years, we may come up with an answer. But we can’t do that now. Conditions have changed in Tennessee. Our State insurance commissioner, Julie McPeak, says our individual insurance market is ‘‘very near collapse.’’ That means that up to 350,000 individuals in our State—songwriters, workers, farmers—who buy their insurance on the individual market are sitting there worrying in July and in August whether they will have any option to buy insurance in 2018.

So I don’t think we can wait 2 years to repeal and replace ObamaCare, which will happen twice on Tuesday, and do it now and why I voted against an amendment yesterday that said: ‘‘Repeal it now and replace it in 2 years, if you can. I don’t think Tennesseans would be very comfortable canceling insurance for 22 million Americans now and saying: Trust Congress to find replacement in 2 years. Pilots like to know where they are going to land when they take off, and so should we.

We are proceeding ahead with our debate on the healthcare bill. It may be a little bit involved for people watching from the outside, but it is fairly straightforward. The House of Representatives has gone through a series of processes in committees and votes, and it passed a bill to repeal and replace ObamaCare now, to do both now. The Senate has been working for 6 months not just to repeal ObamaCare but to repeal and replace it now.

There is something about this. We have millions of Americans who are worrying they may not be able to buy insurance in 2018. That is a very personal worry for millions of Americans. They want us to address it now, not 2 years from now.

How do we do that? Well, later today we will have an opportunity to vote for a bill which will take us to the place called a conference committee with the House of Representatives, where we can get a solution to our goal of repeal and replacing ObamaCare now. It is being called a skinny bill because it won’t have much in it. It is not a solution to the Affordable Care Act problems, but it is a solution to how we get to a place where we can write the solution to those problems. And it is wide open. For those who want to watch late into the night or early into the morning, we are here. We will be offering amendments. People can see that. When we move to the Senate, the Senate and the House of Representatives, historically those deliberations have been open. People can watch that. They can see that. That will take place over the next several weeks.

After the conference committee agrees—if it does—on a bill to repeal and replace major parts of the Affordable Care Act now, not in 2 years, then it goes back to the House and back to the Senate for debate and approval on an up-or-down vote.

That is the process. I want to make it clear to the American people that insofar as I am concerned, I am not interested in telling you we are going to repeal something now, and trust us—we trust the Congress—to come up with something in 2 years. I don’t want to say that to the American people.

What I do want to say is, we have major problems with the Affordable Care Act. We can’t repeal all of it in the budget process, but the House of Representatives showed we can make major changes and major improvements, and the Senate bill, which I voted for on Tuesday, to repeal and replace ObamaCare, shows that we can make major changes and major improvements.

I am convinced that if we can move this process to a conference committee today, between the House of Representatives and the United States Senate—which is part of our regular procedure—we will be able to agree on a way to improve the Affordable Care Act. What that means is that we will repeal major parts of it, and we will replace those parts with parts that work better, parts that give Americans more choices of insurance. I give 350,000 Tennesseans in the individual market some peace of mind to know they will actually be able to buy insurance next year, whereas if we don’t act, many of them won’t be able to, just like millions of Americans may not be able to.

If we do not act, there will be counties in the United States where some of the most vulnerable Americans will have millions of dollars in insurance options in 2018, no Federal support to buy insurance, and if they don’t get a subsidy from the Federal Government, a hard-working American who might be earning $50,000 or $60,000 a year—no Federal subsidy—that person will have insurance so expensive, they won’t be able to buy insurance either.

So I think we are on a path toward a solution, and the solution means, No. 1, that we move the debate out of the Senate this afternoon to on to the conference committee and that our goal when we get there is to repeal major parts of ObamaCare, the Affordable Care Act, and replace those parts with provisions that transfer responsibilities to the States to make decisions that will conserve more choices of health insurance at lower costs. That is a noble goal, one we are pursuing, and one in which I hope we succeed.

Mr. President, I yield the floor.

Mr. PETERS. Mr. President, life is at its core a series of votes. We forget the mundane choices: what we wore to work or what we had for lunch last week. We remember the momentous choices: whether taking a new job or starting a family.

My colleagues in this Chamber on both sides of the aisle are here because they chose to answer the call of public service, and folks in our States chose us to represent them. Week in and week out, we choose how we will vote in committees, on the floor, on nominees, as well as on legislation. We choose to cooperate when we find consensus, and we choose to resist when we disagree.

I remember the momentous choices of my career in public service, starting a family.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, life is at its core a series of votes. We forget the mundane choices: what we wore to work or what we had for lunch last week. We remember the momentous choices: whether taking a new job or starting a family.

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I remember the momentous choices of my career in public service, starting a family.
life. Stefanie chose to jump. She sustained serious injuries, including a broken back and a shattered foot. Her total treatment costs came close to $700,000—an amount which would surely bankrupt nearly all Americans if they did not have health insurance. Because of the Affordable Care Act, Stefanie was able to receive treatment for her injuries and have a second shot at life.

Last week, Stefanie traveled to Washington, DC, and I had the honor of meeting with her in my office. Her family, friends, and others in the community had actually pulled together funds to send her here to Washington, DC, so she could share her story with me and with others in Congress firsthand. I can’t imagine how painful it is for Stefanie to relive this trauma, but she chooses to share because she wants others to have access to the same care she had.

Any mother, father, sister, son, or daughter could someday face an unexpected emergency, just like Stefanie. Nobody chooses to get sick, and nobody should be denied health insurance when they need it.

Having health coverage afforded Stefanie a new lease on life. Instead of filing for bankruptcy due to her medical bills, Stefanie now plans to go back to school and become a paralegal. Stefanie and others just like her—like you and me—deserve to know that when we get sick or when we get hurt, we still have a shot at life.

My colleagues on the other side of the aisle face a very difficult choice of their own. They can choose to do what is politically expedient by passing legislation tonight to repeal parts of the Affordable Care Act. This would cause millions more Americans to go without insurance, create chaos in our insurance markets, and risk skyrocketing premiums. But my Republican colleagues can still do the right thing: Vote no and finally put forward tonight, start over, work across the aisle in a bipartisan manner, keep what works, and let’s fix what doesn’t work.

I urge my Republican colleagues to think about people like Stefanie who will be hurt by repealing the Affordable Care Act. I urge them to choose to work with us on a bipartisan healthcare plan that helps people by lowering premiums while expanding access to care. I urge my colleagues to stop this partisan process that is sure to hurt people and choose a path that improves healthcare for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

Mr. President, I wish to withhold my suggestion of an absence of a quorum.

The PRESIDING OFFICER. If no one yields, the time will be charged equally to both sides.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by taking a moment to kind of summarize for the American people where we are in this enormous discussion which is causing a great deal of anxiety all over Vermont and all over America.

Several months ago, the Republican-led House passed by, I believe, three votes legislation that would throw 23 million Americans off of the health insurance they currently have—23 million Americans, men, women, and children, people who are struggling with cancer, heart disease, diabetes, and with other life-threatening illnesses. They would simply be thrown off of the health insurance they have.

That legislation also cut Medicaid by $800 billion over a 10-year period. That means children with disabilities in Alaska or Vermont who are now on Medicaid might no longer be able to get the help they need in order to survive or to live a dignified life. At a time when Medicaid provides two-thirds of the funding for nursing homes all over this country, it means that if the Republican legislation were to succeed, we would lose tens of thousands and millions of people all over this country with Alzheimer’s, with terrible illnesses, who are now in nursing homes would be thrown out of their nursing homes.

Where would they go? Nobody really knows. When you cut Medicaid by $800 billion and Medicaid funds two-thirds of nursing home care, needless to say, people in nursing homes would be forced to leave, to go—nobody knows where.

Right now in my State of Vermont and across this country, we are dealing with a massive heroin and opioid crisis. Every day, people are dying from heroin, opioid overdoses. It turns out that Medicaid is one of the major sources of funding in terms of treating heroin and opioid addiction.

If you make massive cuts to Medicaid, the impact in States like Vermont, West Virginia, Kentucky—States that are struggling with opioid and heroin addiction—would be horrendous. People would no longer be able to get the treatment they need.

I recall, during the campaign, Donald Trump said that he was going to stand up for workers, take on the establishment. If the Republican House bill were to be passed, older workers—people who are 60, 62 years of age—would see, in many cases, at least a doubling of the premiums they pay. In many cases, they would go from $4,000 a year today to over $8,000 a year. That is not being a champion or a friend of the working class. It is not being a champion or a friend of the working class.

My Republican colleagues, and you hear them even today, talk about freedom, choice. They love choice. They love freedom. People in America should have the right to get healthcare anywhere they want. It should be a right to have any insurance policy they want.

Two and a half million women have made a choice. The choice they have made is they want to get quality healthcare through Planned Parenthood. If the Republican bill in the House were to pass, those 2.5 million women would be denied their choice.

You have a Republican bill in the House that throws 23 million Americans off of health insurance. How many of those people will die? My Republican friends get very nervous when I raise that issue because they say—and I understand it—nobody here wants to see anyone die unnecessarily. No Republican does, no Democrat, no American does.

According to study after study, including studies done at the Harvard School of Public Health, when you throw 23 million people off of health insurance—people with cancer, people with heart disease, people with diabetes, people with life-threatening illnesses—what do you think will happen? What these studies show is that thousands and thousands of Americans every year will die unnecessarily because they will not have the treatment they need to deal with their life-threatening illnesses. That is the reality. That is not BERNIE SANDERS talking. That is study after study. PolitiFact and the Washington Post have made that up. They said, all of the studies. They said: Yes, thousands of people will die. That is the result.

In the House bill, after you throw 23 million people off of health insurance, raise deductibles, defund Planned Parenthood, after you force 23 million people pay more for healthcare, $800 billion in cuts to Medicaid, what else is in the bill?

Oh, there are some people who will do well in the bill—not the children, not the elderly, not the sick, not the poor. But there are some people—and we have to acknowledge that—who would do well under the Republican bill; that is, if you are in the top 1 percent. Congratulations. Republican legislation, throwing disabled children off of Medicaid, congratulations—you are going to get a massive tax break.

Who in America believes that it makes sense to throw disabled children off of health insurance and tell people with cancer that they can’t continue to get the treatment they need in order to get $300 billion in tax breaks for the top 1 percent and hundreds of billions more in tax breaks for insurance companies and drug companies?

Who you think those 12 percent had not really looked at this issue. There is massive opposition from Republicans, Democrats, and Independents to this absurd Republican proposal.

The American people do not just the American people who think that it is absurd to give tax breaks to the rich and throw 23 million Americans off their health insurance. It is not just the American people. It is
those people who are most engaged in healthcare in America—the people who know the most.

It is important to understand that throughout this process, whether in the House or in the Senate, virtually every major health interest organization in America—the people who treat us every single day are opposed to this Republican legislation.

One might think that maybe my Republican colleagues would say: Well, wait a second. What is going on when those in the American Medical Association—our doctors, the people who treat us—think this legislation is a mistake? Doctors say no. The American Hospital Association says no because they understand that when you make massive cuts to Medicaid, rural hospitals in Vermont and all over this country may go under. Then what happens to a rural community that no longer has its hospital?

The American Hospital Association is opposed to this legislation. The American Cancer Society is opposed to this legislation. They know what its impact will be for folks who are struggling with cancer. The American Heart Association, the American Academy of Family Physicians, the American Academy of Pediatrics, the American Psychiatric Association, the Federation of American Hospitals, the Catholic Health Association, the American Lung Association, the Cystic Fibrosis Foundation, the March of Dimes, the National MS Society, and the American Nurses Association—one might think, when virtually every major national healthcare organization in this country is opposed to legislation, that maybe, just maybe, my Republican colleagues might think twice about going forward.

In this process, they have not had the opportunity, amazingly enough, to hear from doctors, to hear from hospital administrations, to hear from patient advocates. As you well know, despite the fact that we are dealing with an issue that impacts every single American—which is what healthcare does—an issue that impacts one-sixth of the American economy, over $3 trillion a year, there has not been one hearing, one public hearing on this bill. This bill has been written behind closed doors. Senator MCCAIN the other day made that point.

How do you amend something when you deal with one-sixth of the economy and their desire to transform the American healthcare system without listening to one doctor, without listening to one hospital administration, writing a bill with a few Republican Senators behind closed doors?

This is an unprecedented and disastrous process for healthcare. On those grounds alone, what every Member of this Senate should agree to—and Senator MCCAIN made this point; this process has been awful. Kill it now. Go back to what is called regular process, regular order. Go back to the committee and start this discussion. Please do not throw 22, 23 million people off of health insurance without hearing from doctors, patient advocates, hospital administrators.

No, that is not where the Republicans are today. They want to rush this through behind closed doors and get a quick vote on it. What will happen?

Interestingly enough, as I understand it, Senator DAINES of Montana today is going to introduce legislation for a Medicare-for-all healthcare system. That is very interesting. I hope this is really part of the part of my Republican colleagues. I very much hope they finally recognize that maybe the United States of America should join every other major country on Earth in guaranteeing healthcare to all people as a right and not a privilege.

I hope that when Senator Daines comes down here, he will say: No, it does not make sense to throw 23 million more people off of healthcare, but, in fact, we have to move forward, do what Canada does, what Germany does, what the British do, and what every major country on Earth does, and guarantee healthcare to all people as a right. I hope very much that is what Senator DAINES will be saying.

Do you know what? I kind of think that is not what he will be saying. I kind of think that in the midst of this discussion in which millions of Americans are wondering whether they are going to continue to have healthcare, what is going to happen to their kids, how they can pay for what is going to happen to their parents, I suspect what Senator DAINES is doing is nothing more than an old political trick: trying to embarrass Democrats. Will they support the Medicare-for-all bill introduced by Congressman JOHN CONYERS?

At a time when we are engaged in a very serious debate about the future of healthcare, I think this is not a time for political games. If Senator DAINES is serious about healthcare reform—or at least the possibility of a Medicare proposal, let’s work together, but now is not the time for political games.

Senator DAINES, as I understand it, is going to offer an amendment, but we don’t know what he is amending because we don’t even know what is in the legislation the Republicans will bring forward.

How do you amend something when you don’t even have a base bill to amend? This is, I suspect—I hope I am wrong—what Senator Daines has seen the light, but I suspect not, and I suspect it is just a political game. I do hope, by the way, at some point within this debate, if we can—if not, certainly in the near future—to, in fact, be introducing a Medicare-for-all single-payer healthcare proposal, let’s work together, but now is not the time for political games.

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As you may or may not know, our current healthcare system is the most expensive, bureaucratic, and wasteful system in the entire world. While the healthcare industry makes hundreds of billions of dollars a year in profits—and in many ways what our healthcare system is about is not providing quality care to all of us; instead, we pay the insurance companies and the drug companies can rip us off. The truth is, even today, we have some 28 million people who have no health insurance so our goal should be to say to those 28 million: We are going to provide healthcare to you, and not throw 22, 23 million more people off of health insurance.

All of us recognize that the Affordable Care Act is far from perfect. What the American people want us to do—and poll after poll suggests this—is they want us to improve the Affordable Care Act, not destroy it. The American people are paying deductibles that in many instances are far too high, keeping people from going to the doctor when they need to. The premiums are much too high; premiums, much too high. I do find it interesting that when Donald Trump campaigned for President, he talked about the high cost of prescription drugs. He is right. In this country—and we are going to get into that in a moment—we pay, by far, the highest prices in the world for prescription drugs. That is what the American people want us to deal with in healthcare legislation, not throw 22, 23 million people off of healthcare.

The United States spends far more per capita on healthcare than any major country on Earth. We often have worse outcomes. If we go back to regular order, if we go back to committee process—which is what we should do—the very first question a Member of the Senate should ask is: Why does it happen that here in America we spend far more per capita on healthcare than do the people of any other country? Here is the chart. The United States is spending $9,990 per person on healthcare, almost $10,000 per person on healthcare. What do they spend in Germany? Well, they spend $5,300, almost half of what we spend. What about Canada? I live 50 miles away from the Canadian border. It is a really nice country. They spend $4,533. How does it happen that we are spending more than double per person compared to the Canadians and almost double what the Germans do? The French spend less than half of what we do. Australians spend less than half of what we spend. Why do they spend less than half of what we do? The Japanese spend less than half of what we do. The UK spends about 40 percent less.

Don’t you think the very first question a Member of the Senate might ask is, Why do we spend so much compared to other countries? Why do the other countries guarantee healthcare to all of their people? In many instances, the outcomes, the
health outcomes in those countries, are better than our country. They live longer. The life expectancy is longer. Their infant mortality rate is lower. In some particular diseases, they do better in treating their people. Here is a simple example on this issue. He is looking hard at countries around the world—all of which have one form or another of national healthcare programs, all of which said healthcare is a right. Whether you are rich or you are poor—maybe this is an issue on this. He is looking hard at countries around the world—all of which have one form or another of national healthcare programs, all of which said healthcare is a right. Whether you are rich or you are poor—maybe this is an issue on this.

An MRI costs about $350 in Australia versus $1,100 in the United States. One day in a hospital costs about $1,300 in Australia versus $4,300 in the United States. An appendectomy costs about $5,200 in Australia versus roughly $14,000 in the United States, et cetera. Not only does Australia guarantee universal healthcare, spend less on hospital spending from 2010 to 2011, more than $200 billion—over twice what was spent in Canada and in Scotland. What I would hope—if we don’t sit around just worrying about the profits of the pharmaceutical industry, the insurance companies and drug companies, the function of healthcare in America be to allow insurance companies to make huge profits or should we make sure all of our people get quality healthcare? Not only do the insurance companies make huge profits, but their CEOs make outlandish salaries, while 28 million Americans have no health insurance at all, and others have very high deductibles. In 2015, Aetna’s CEO made $17.2 million in compensation. Now, Aetna, like every other insurance company, spends half their life trying to tell people they are not covered for what they thought they were covered, but they do manage to find $17 million in salary compensation for their CEO. CVS’s CEO made $17.3 million in compensation. UnitedHealth Group’s CEO made $14.5 million in compensation. Anthem/Wellpoint’s CEO made $13.6 million. Humana’s CEO made $10.3 million. Is the function of healthcare in America to make CEOs of insurance companies outlandishly wealthy, or is it to provide healthcare to all people?

President Trump was right. In 2014, Australia’s healthcare system ranked sixth out of 55 countries in efficiency. In the United States ranked 44. Not only does Australia guarantee universal healthcare coverage, it spends less than half what we spend on healthcare per capita. In 2015, they spent $4,500 while we spent almost $10,000. While the Australian Government spent 9 percent of its GDP on healthcare, the United States spent nearly double that, 17 percent. Further, many healthcare services are far cheaper in Australia. An MRI costs about $350 in Australia versus $1,100 in the United States. One day in a hospital costs about $1,300 in Australia versus $4,300 in the United States. An appendectomy costs about $5,200 in Australia versus roughly $14,000 in the United States, et cetera. Not only does Australia guarantee universal healthcare, spend less on hospital spending from 2010 to 2011, more than $200 billion—over twice what was spent in Canada and in Scotland. What I would hope—if we don’t sit around just worrying about the profits of the pharmaceutical industry, the insurance companies and drug companies, the function of healthcare in America be to allow insurance companies to make huge profits or should we make sure all of our people get quality healthcare? Not only do the insurance companies make huge profits, but their CEOs make outlandish salaries, while 28 million Americans have no health insurance at all, and others have very high deductibles. In 2015, Aetna’s CEO made $17.2 million in compensation. Now, Aetna, like every other insurance company, spends half their life trying to tell people they are not covered for what they thought they were covered, but they do manage to find $17 million in salary compensation for their CEO. CVS’s CEO made $17.3 million in compensation. UnitedHealth Group’s CEO made $14.5 million in compensation. Anthem/Wellpoint’s CEO made $13.6 million. Humana’s CEO made $10.3 million. Is the function of healthcare in America to make CEOs of insurance companies outlandishly wealthy, or is it to provide healthcare to all people?

It is not just the insurance companies. If you ask people in my State of Vermont what their major concern is—healthcare. They would say: I am sick and tired of being ripped off by the drug companies. I go into my pharmacy, have a medicine I have been using for 10 years, and suddenly the price has doubled, tripled, for no particular reason other than the pharmaceutical industry could get away with it.

We are the only major country on Earth not to control the prices of the pharmaceutical industry. The result is that this is an outrage, and it speaks to everything that should be discussed but which is not being discussed in the Republican bill—is that

healthcare system in the world, bureaucratic, wasteful, and ineffective. The United States has the most expensive, inefficient. The Australian Prime Minister. That was in May. President Trump said during that meeting: Australia has a “better healthcare” system than the United States. That is what Donald Trump said. To my Republican friends here who support President Trump, listen to what he said. On this one issue—he is not right very often—but I will raise this issue, he is right. In Australia, everyone is guaranteed healthcare as a right. Australia has a universal healthcare program called, ironically, Medicare, that provides all Australians with affordable, accessible, and high-quality healthcare. While the United States has the most expensive, bureaucratic, wasteful, and ineffective healthcare system around the world. The United States doesn’t even crack the top 10 for life expectancy, despite spending so much more than any other country on healthcare.

What all of this comes down to is the fact that America is the wealthiest country in the world. The United States is tremendously wealthy, or is it to provide healthcare to all people? The function of healthcare, in my mind, is to provide quality care to all in a cost-effective way, not to make CEOs of insurance companies and drug companies even richer than they are today.

In 2015, the top 10 pharmaceutical companies made $24 billion in profits. Should the function of healthcare in America be to allow insurance companies to make huge profits or should we make sure all of our people get quality healthcare? Not only do the insurance companies make huge profits, but their CEOs make outlandish salaries, while 28 million Americans have no health insurance at all, and others have very high deductibles. In 2015, Aetna’s CEO made $17.2 million in compensation. Now, Aetna, like every other insurance company, spends half their life trying to tell people they are not covered for what they thought they were covered, but they do manage to find $17 million in salary compensation for their CEO. CVS’s CEO made $17.3 million in compensation. UnitedHealth Group’s CEO made $14.5 million in compensation. Anthem/Wellpoint’s CEO made $13.6 million. Humana’s CEO made $10.3 million. Is the function of healthcare in America to make CEOs of insurance companies outlandishly wealthy, or is it to provide healthcare to all people? It is not just the insurance companies. If you ask people in my State of Vermont what their major concern is—healthcare. They would say: I am sick and tired of being ripped off by the drug companies. I go into my pharmacy, have a medicine I have been using for 10 years, and suddenly the price has doubled, tripled, for no particular reason other than the pharmaceutical industry could get away with it.

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today, one out of five patients under the age of 65 who gets a prescription from their doctor is unable to afford that prescription. How crazy is that? What kind of dysfunctional healthcare system allows somebody to go to a doctor because they are sick, the doctor writes up the prescription, and one out of five Americans can’t even afford to fill that prescription. What happens to that person? Well, the likelihood is they get even sicker, and then they end up in the emergency room at outrageous costs every single time, they end up in the hospital. How crazy is that?

I have not heard one word—not one word—from our Republicans about addressing the absurdity of Americans paying by far the highest prices in the world for prescription drugs. I have a chart over here that just deals with half a dozen drugs, but we can list many, many more.

Lantus, a diabetes drug, costs $186 in the United States. Diabetes is a very serious problem. Lantus costs $186 in the United States and $47 in France. It is the same drug.

This is a healthcare reform debate. I have yet to hear one Republican raise that fact that the people in Iowa and the people in Vermont want us to raise that issue.

Crestor, a popular drug for high cholesterol, costs $86 in the United States and $29 in Japan.

Advair, which is used to treat asthma—another very serious problem—costs $155 in our country and $38 in Germany.

The list goes on and on. That is why millions of people, by the way, are now buying their medicine in Canada and other countries, because they are sick and tired of being ripped off by the pharmaceutical industry—an industry that spends billions of dollars over a period of time on lobbyists here and lobbyists in Washington, D.C.

You might think—just might—that when we deal with healthcare reform, one Republican—just one—might stand up and say: Well, you know, maybe we might want to stand with the elderly and the sick in this country and not just with the pharmaceutical industry. I have not heard one Republican in this debate talk about that issue.

To give an example of the greed of the pharmaceutical industry—and I can say on and on. They are the greediest, maybe with the exception of Wall Street. It is hard to determine which one of these institutions is more greedy, but the pharmaceutical industry certainly can make a claim for being the greediest industry in this country. Out in California a few months ago, there was an effort to lower the cost of prescription drugs in their State. It is called proposition 61.

The big drug companies spent $31 million to defeat that ballot initiative. Proposition 61 will, on to defeat a ballot initiative in California that would have lowered the cost of prescription drugs. And all over this country, the American people cannot afford the medicine they need, but the drug companies had $311 million to spend just on one initiative. Meanwhile, while the American people are getting sicker and sicker and sometimes dying because they cannot afford the medications they need, I have received—and I think every Member of the Senate has received—communications from oncologists, people who are dealing with patients who have cancer. They say: My patients cannot afford the high cost of cancer medicine. And it is not just cancer, of course.

While the American people are getting ripped off by the drug companies, in 2015 the five largest drug companies in America made over $50 billion in profits—five companies, $50 billion in profits. Yet one-fifth of the American people cannot afford to buy the prescriptions they need. How outrageous is that? Anepidyl C drug that costs are telling us they are dealing with healthcare reform without mentioning one word about the high cost of prescription drugs. Give me a break. You are dealing with many things, but you are not dealing with healthcare reform.

Again, it is not just the pharmaceutical companies that are making huge profits; we are seeing executives from these large drug companies making outrageous compensation. In fact, in 2015, the top 10 pharmaceutical industry CEOs made $327 million in total compensation. Elderly people walking to the drugstore can’t afford the prescriptions they need, and yet CEOs of major drug companies are making $327 million in total compensation.

Former CEO of Gilead, John Martin, became a billionaire because his drug company charged $1,000 a pill for Sovaldi, a hepatitis C drug that costs $1 to manufacture and can be bought in India today for just $4. In this country, it sold for $1,000 a pill, and he became a billionaire as a result of it. That is a healthcare system out of control. I know it is a radical idea here in the Senate, but maybe—just maybe—we might want to represent the American people and not the CEOs of the drug companies and the insurance companies.

Some of my Republican colleagues have been spending the last few days using words like “freedom,” “choice,” and “opportunity” to try to convince the American people about their abysmal healthcare legislation. This is the same language that rightwing ideologues, like the billionaire Koch brothers, use when they try to discredit government programs and move to privatize them. What the Koch brothers mean by “freedom” is their own freedom. And by the way, they are the second wealthiest family in America, worth some $80 billion. What they mean by “freedom” is their own freedom to profit off the misery of ordinary Americans who rely on a wide variety of government programs that make life bearable and, in some cases, even possible.

I want to say a word about freedom. This is a 203-foot yacht. This is a yacht owned by a billionaire that costs about $90 million to purchase. Like everybody else, I think, in this Chamber, I think the American people—every American should have the freedom to purchase this yacht. And I would urge all Americans to go on the internet, find out where the yacht stores are—wherever they sell yachts—and go out there and say: Hey, I got the freedom to buy this $90 million yacht. We did not believe that. You got the money; you buy it.

Here is a picture of a home, and this home is worth tens and tens of millions of dollars. It looks to me like it has 30 or 40 or 50 rooms, probably 5, 10 bathrooms. It is a very nice house, and it is owned by a billionaire.

You know, I think every American who wants to own a home worth tens and tens of millions of dollars, go to your local Realtor. You go out and buy that house.

What we are talking about today in terms of freedom is not freedom to buy a yacht or freedom to buy a mansion; we are talking about the freedom to stay alive, the freedom to be able to go to the doctor when you need the freedom not to go bankrupt if you end up in the hospital with a serious disease.

So when my Republican friends talk about freedom of choice, fine, we all agree. You got the money, you go out and buy any big house you want or buy any big yacht you want. But where there is a serious disagreement is, we say that the children of this country who have serious illnesses have the freedom to stay alive even if their parents do not have a lot of money; that older people who are now in nursing homes should have the freedom to get dignified care in a nursing home even if they have Alzheimer’s and even if they have a lot of money. Healthcare is not another commodity. Healthcare is not a mansion. Healthcare is not a yacht. Healthcare is whether we stay alive or whether we don’t, whether we ease our suffering or whether we don’t. And I believe—unlike, unfortunately, many of my Republicans—that right to get healthcare when you need it is something every American should be able to get.

Here in the Senate, we have good health insurance. Over the last 10 years, a number of Senators have had serious illnesses, and they have gotten some of the best care in the world. If it is good for the Senate, it is good for every American. Healthcare must be a right of all people, not a privilege. Quality care must be available to all, not just the wealthy.

Senator DAINES is going to come down here in a while to offer a Medicare-for-all proposal. Again, I hope this is a breakthrough. I hope our Republican colleagues understand that we have to join the rest of the industrialized world. And if Senator DAINES comes down here and is prepared to
vote for that legislation, prepared to get his other Republican Senators prepared to vote for that legislation, my God, we can win this vote overwhelmingly and move this country in a very different direction.

But I have a feeling that is not what Senator Daines has in mind. I think this is another joke, another game, another sham as part of a horrendous overall process. So I will not be supporting that amendment, unless Senator Daines and Republicans vote for it as well I will do: when the time comes, I will offer a Medicare-for-all, single-payer program which finally has the United States doing what every other major country on Earth does—guarantee healthcare to every man, woman, and child in a cost-effective way. And when we do that and when we eliminate the need for families to spend $15 or $20,000 a year for health insurance, we will use the savings to pay for middle-class family substantial sums of money.

I yield the floor.

The PRESIDING OFFICER (Mrs. Ernst), The Senator from Kansas.

Mr. MORAN. Madam President, I come here today about the issue of health care and I begin by paying tribute to our colleague from Arizona, Senator McCain, on his return earlier this week. I wish him the very best as he begins a process of cure, treatment, and a bright future in his life. I appreciate the remarks he indicated that were so heartfelt to his colleagues here in the Senate. We welcome him back and thank him for his service to the Senate, to the people of Arizona, to the people of America, but I also thank him most especially for his service in the U.S. military.

Another great hero in my life and in our country’s history is my predecessor in the Senate, Senator Bob Dole, who earlier this year celebrated the 94th birthday. Service to Kansans and all Americans exemplify Bob Dole’s life. While I admire him for his time in the Senate, I respect him even more so for his service to our country during World War II and for his efforts ever since then to care for those who have come into harm’s way as a result of their service. I often see him at the World War II Memorial when there is an opportunity to be with the veterans there, and particularly in Phoenix but across the country, in which we saw fake waiting lists and the belief that there were veterans who did not have the care that they were entitled to in the VA system.

The Choice Program has helped thousands of veterans across the country, especially those in rural communities, where distance remains a problem. I have heard from many veterans in my State as to how important the Choice Program is to them. Instead of driving for 4 hours to see a physician at the VA, they can drive 4 minutes to see a physician in the private sector.

This Choice Program is set to expire on August 7 of this year. Just a few days from now, it is scheduled to come to an end. At the start of 2017, the VA estimated that there would be more than $1 billion remaining in the Choice account that the VA told us would last until January 2018. Rather than letting those funds expire, I joined Senator McCain, Senator Inakson, Senator Tester, and others in a Choice extension bill to remove that August 7 deadline and sunset the program until the funds expired, which, as I said, was believed to be in January of 2018.

The President signed that bill on April 19, but less than 6 weeks later, we learned from the VA that the VA had made unfortunate miscalculations. As a result of poor budgeting and finance, the dollars for the Choice Program are not going to last until January and are expected to run out in the next few days. Demand for the Choice Program is up 30 or 40 percent, and it is clear by the end of this month that the funding crisis and the inability to sustain Choice and to make certain that the Choice Program is defunded. Those net-works will disappear, and we will not be able to easily restart the Choice Program, so if we do not make a fix soon, today, in the next few days, by the weekend—and pass legislation in a timely fashion, it is not as if we can come back in September and say: OK, let’s appropriate the money now, and Choice can restart.

Choice will not happen. Choice will be gone.

There are big consequences at play for the future of community care. The funding crisis and the inability to sustain Choice risk shutting down—shutting down the entire networks, and it will diminish the faith that veterans and our providers were slowly beginning to have in the Choice Program.
Early in the Choice Program, many veterans were discouraged because of the bureaucracy and paperwork associated with Choice. Providers then were not often paid in a timely fashion, and they became discouraged by the program. In recent months, the confidence in the program had returned as veterans were beginning to get their care at home, and providers were being paid for the services that they provided veterans. Now, if the third-party administrators—the network—go away, we will only lose the most important veterans and to those who wish to serve them—the healthcare community—that the program is not a viable or a valuable one.

Fortunately, both the House and Senate have been working to fix this situation. Since June, my colleagues on the Senate Veterans’ Affairs Committee have joined me in working to find a solution that protects access to community care for veterans. The Choice program is funded by mandatory spending. We have also been working with the House as they have tried to develop a solution that maintains Choice and that is fiscally responsible.

There has been a lot of back and forth, a lot of talk, and a lot of negotiations going on, and I support the efforts of our chairmen and ranking members of the Veterans’ Affairs Committees, both in the House and Senate, who are trying to work out a movement to come together for our Nation’s veterans. I would hope and I expect that a bill will come from the House yet this week.

My point to my colleagues here today is that we do not have the luxury of then trying to figure out something different to do than what the House sends us. We need to have our plan in place, and we need to have something that can pass both the House and Senate in the next 2 days. I want to motivate my colleagues to do what is right for veterans and set aside the differences that have prevented the necessary cooperation to see that we have one bill that can pass both the House and Senate and save Choice.

I stood here in 2014 to implore my colleagues to support the passage of the Choice Act in the first place, and I stand here again today to implore my colleagues to come together and support the passage of this critical funding for the success of the Choice program and community care for veterans. I am here to make certain that we end the delays and find a way to understand the differences and accept that we must act quickly on behalf of veterans. It has to happen immediately. We owe our veterans better than what we have been providing them.

I am, once again, partnering with the Senator whom I honored in my opening comments—Senator McCain—and other colleagues to introduce legislation that will put funds back into the Choice Program and make sure that our veterans do not experience a lapse of care at home or a termination of the program.

We are working hard with our colleagues across the aisle and in this House to determine the future of this program and what community care will look like. While we work to create that system that will serve future generations of veterans for years to come, how we make it clear that we cannot allow the program to expire at this critical point in time. Taking care of veterans must be a priority above any one specific “ask” or “must have” in the funding. Not acting is not an option.

Upon his return to the Senate, Senator McCain’s words remind us of the importance of this task and many others before us. I am honored to work with him on this effort to save Choice and serve our veterans. I ask my colleagues to help us save this important program that benefits rural and urban veterans, that makes care more timely, that provides care in the circumstances in which the VA does not have the capability, either in a timely or a quality fashion, to provide the services to veterans.

This does not diminish the role or necessity of the Department of Veterans Affairs or their hospitals and clinics across this country. They are responsible for their patients to use VA hospitals, and they continue to use our outpatient clinics, but we ought not allow for the elimination of the third opportunity for veterans’ care—the Choice Program—that serves so many veterans in so many communities.

Again, I thank Senator McCain for his leadership and his bipartisan work that originally created this program—this opportunity—with Senator Sanders.

We seek bipartisanship to put veterans first and to put their healthcare access above everything else. I am urging my colleagues today to know that this issue exists, not to walk away from it, to make certain that we accomplish our goals, and that this critical funding be provided before we depart for the weekend.

Preserving this important benefit honors our heroes—Senator Dole, Senator McCain, and the thousands of Americans who did not ask about whether it was Republicans who served the country or Democrats who served the country. They are those who believe that having served their country is what motivated them to see that their families were safe and secure and to see that America had a bright future. We ought not deny them that kind of service today.

Madam President, I thank you for the opportunity to address the Senate. The PRESIDING OFFICER. The Senator from Arizona.

WOUNDED OFFICERS RECOVERY ACT OF 2017

Mr. FLAKE. Madam President, I come to the floor to pass the Wounded Officers Recovery Act. This legislation comes after last month’s terrible shooting at the Republican practice for the annual Congressional Baseball Game.

As many of you already know, U.S. Capitol Police DPD Special Agents Crystal Griner and David Bailey were both among the victims of the U.S. Capitol Police employee who has been injured in the line of duty. This will enable Special Agents Griner and Bailey to access funds raised for victims of the congressional baseball practice shooting.

Previously, the fund only allowed donated funds to be given to the families of officers killed in the line of duty. I am hopeful all of my colleagues will agree that this issue should rise above any partisan wrangling.

Special Agents Crystal Griner and David Bailey have our gratitude, and we ought to be able to help them. I am grateful for their sacrifice. I hope we can speak with one voice in support of the brave men and women of the Capitol Police and pass this bill without delay.

I wish to thank the cosponsors here in the Senate, including Senator Paul, Senator Donnelly, Senator Murphy, and all of those who played in the congressional baseball game, along with the House, the managers of the Republican and the Democratic teams respectively, Joe Martin and Mike Doyle.

The congressional baseball game is one of the best institutions in Congress, one of the most bipartisan institutions. We are able to raise a lot of money for needy causes as well as the Capitol Police. We want to make sure a lot of the money that was raised this year—a portion of that money—can go to these deserving individuals who helped us out in a very real way and saved our lives.

Madam President, I ask unanimous consent that the Committee on Rules be discharged from further consideration of H.R. 3298 and the Senate proceed to its immediate consideration. The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (H.R. 3298) to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to survivors of U.S. Capitol Police officers who have sustained serious line-of-duty injuries, and for other purposes.
There being no objection, the Senate proceeded to consider the bill.

Mr. FLAKE, Madam President, I ask unanimous consent that the Flake 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. 409) 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 “Wounded Officers Recovery Act of 2017”.

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the subsections under subsection (b) and subject to the regulations governing the use of the Fund for the line of duty injuries of the United States Capitol Police who have sustained serious line-of-duty injuries, amounts in the Fund may be paid to—

(a) AUTHORIZING PAYMENTS FROM FUND.—Section 2 of Public Law 105–223 (2 U.S.C. 1952) is amended—

(1) by adding the section heading, by inserting “AND CERTAIN OTHER UNITED STATES CAPITOL POLICE EMPLOYEES” before the period at the end;

(2) by striking “Subject to the regulations” and inserting “(a) IN GENERAL.—Except to the extent used or reserved for use under subsection (b) and subject to the regulations”;

and

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

“(b) PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

“(1) families of the employees of the United States Capitol Police who were killed in the line of duty; or

“(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.”

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking “The Capitol Police Board” and inserting “(a) IN GENERAL.—The Capitol Police Board”; and

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

“(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 2(b)), including regulations—

“(1) establishing the conditions under which the family of an employee or an employee is eligible to receive such a payment; and

“(2) determining for the amount, timing, and manner of such payments; and

“(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers’ compensation under chapter 81 of title 5, United States Code.”;

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of 2 U.S.C. 1951 is amended by striking “deposit into the Fund” and inserting “deposit into the Fund, and including amounts received in response to the incident that occurred at the practice for the Congressional Baseball Game for Charity on June 14, 2017.”.

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. 3298), as amended, was passed.

AMERICAN HEALTH CARE ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want all my colleagues and everyone listening right now to be very clear about what Republican leadership is planning for today. Faced with defeat after defeat on their plans to rip apart our healthcare system—“no” on a bill that would spike premiums, gut Medicaid, and defund the Medicaid expansion of 22 million people healthcare; “no” on a bill that would cause chaos and healthcare costs to skyrocket and deny 32 million people healthcare—it appears the Republican leader has a last-ditch plan waiting in the wings.

As soon as they have an official score from the CBO—which could be hours from now—in the dead of night, Senator McConnell will bring forward legislation that Democrats, patients, families, and even many Senate Republicans have not seen, and try to pass it before anyone can so much as blink.

Now, we have heard rumors about what could be in this bill, and based on what we know, Democrats took it upon ourselves to try to figure out what its impact will be. The CBO scored our best guess at what Republicans are talking about doing, and here is what they found: Sixteen million people will lose their healthcare coverage in the next 10 years under this bill; premiums will increase by 20 percent every single year for the next 10 years; your premiums and out-of-pocket costs, gut protections for preexisting conditions, end Medicaid as we know it, defund Planned Parenthood, and kick tens of millions of people off their coverage—a bill that would, in other words, shatter the promises of more responsible Republicans who I know are deeply concerned about ways these outcomes would impact the people they serve.

So, to put it simply, a bill in conference is no excuse to kick people off coverage, spike premiums by 20 percent for everyone, and give a massive tax break to the wealthy, especially because it will simply be an opportunity to hand the keys over to the House Freedom Caucus.

I want to remind any Senate Republican who doesn’t want to have TrumpCare on their hands—who truly does want to make our healthcare system work better for patients and families—there is a better path. As Senator McCain said so powerfully earlier this week, we shouldn’t let the “bombastic loudmouths” drive our work. We should get back to regular order, and we still can.

I am seizing every chance I get: Drop this partisan, sham floor process. Drop it. Start over with an open, transparent process in which both sides, patients, and families across the country have a voice.

I hope that as big as our differences are, many of my Republican colleagues would prefer that bipartisan voice and route. They have said as much. Their votes to reject the partisan TrumpCare and full repeal bills this week made it even clearer.

So let’s have hearings like Chairman Alexander has proposed to do in our HELP Committee. Let’s have a public
debate. Let’s focus on policies that lower costs, that expand coverage, and improve quality.

Democrats are ready. We are at the table. I hope Senate Republicans who are ready to work on real solutions will join us for that to happen. Senate Republicans need to step away from this sham process we are on today. Say no. Vote no. Return to us a process we are all involved in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

SEPARATION OF POWERS

Mr. Sasse. Madam President, in the fall of 2015, when I first spoke on the Senate floor, I gave Nebraskans and every Member of this body my word that I would speak up when a Republican President exceeded his or her powers. At that moment, the Democratic President had taken to himself powers the Constitution had not given him. My opposition was not that President Obama was a liberal democrat; it was that our brilliant Constitution intentionally separates executive and legislative powers.

I gave my promise then because, despite the lazy, partisan rhetoric of this city, it is actually the feud between Republicans and Democrats that is because American politics at its best is acutely aware of the difference between justice and strength. That is because when our body and our chamber and our Constitution’s architecture of separate powers, both vertically and horizontally.

In 2014, the U.S. Supreme Court ruled that the Obama administration had made unconstitutional appointments when it declared this body to be in recess when the U.S. Senate was not, in fact, in recess, and it functionally claimed power—that is, the administration functionally claimed power—that belonged to the Senate under our Constitution.

So today I have come to the floor to keep my promise and to offer a word of humble advice to the President. If you are thinking of making a, recess appointment to push out the Attorney General, forget about it. The Presidency isn’t a bull and this country isn’t a china shop. Mr. President, you are a public servant, in a system of limited government, with a duty to uphold and defend our unique place in the Constitution’s system of separate powers, both vertically and horizontally.

After they were promised $2,500 per family of four. They have risen $3,200 on average per family of four. So your premium will go up by the way, I have been critical of my party for not having a good plan for replace. But I will say to those on the other side of the aisle, the “Affordable Care Act” is an absurdly Orwellian name for a piece of legislation that those who were in this body and voted for 7 years ago told the American people—you all did a press conference at the White House, and you said premiums would fall $2,500 per family of four. They have risen $3,200 on average per family of four. So you have a mandate to stop the rise of $5,700 per American family.

In my State and in the Presiding Officer’s State, we now have a lot of...
farming families in counties where there is only one insurer, where premiums are now north of $20,000 a year for the insurance market.

Stop pretending this is in any way affordable.

What we have is a system where the assumption is that because the system is so broken, the only way anybody could ever get health financing—and supposedly, health financing is the means to getting access to the health delivery system—is that everybody needs to be on welfare. That doesn't work.

We should have a robust social welfare safety net for the poorest and sickest among us, and we all in this body should be accountable for passing a piece of legislation that delivers a system where lower-middle-class and middle-class and upper-middle-class Americans can afford their own health insurance. Not everybody in America needs to be on welfare, and not everybody in America wants to be on welfare. So our system is not affordable, it is not portable, and fundamentally it is not really insurance.

We have a system that is mostly about making sure they won't have prepayment of all medical expenses. We don't do this in any other sector of the economy. Think how absurd it would be for us to pass a law in this body mandating that Allstate and State Farm have to buy all your general liability schedule at your Jiffy Lube appointments. That is what we are trying to do in healthcare. Guess what. We can guess what it would look like. Jiffy Lube would be open at the wrong hours; it would be at the wrong locations; we wouldn't know what services they deliver; there wouldn't be quality metrics on any of it; and it would probably grow at 2 to 2½ times inflationary or GDP growth—just like healthcare.

We are trying to hyper-regulate and micromanage all of the largest sector of the U.S. economy from here by pretending we are talking about insurance, when we are not. What this body and what the Congress and what Washington, DC, have wanted to do for years is run every decision in healthcare but not tell the American people the truth—that it turns out it is really expensive.

Nobody comes to the floor and advocates—maybe Bernie does. Maybe Senator Sanders comes to the floor and actually honestly advocates for raising taxes to the level of all the micro-management of the health sector that people in this body want to do. But what most people want to do—and it isn't just your side of the aisle; it turns out it might be a lot of people on my side of the aisle as well—they would like to have so much control over the healthcare sector but not admit how expensive it is, that we will do it by regulations on the financing model so you can't hide it under the word 'insurance.' Most of what is happening in American healthcare isn't insurance. Insurance is insulating people from catastrophic loss from non-behaviorally-driven, unpredictable events.

Everybody in this body wants every American to have health insurance, and everybody in this body should also want a health delivery system where the average American family living on middle-class incomes can afford to buy their healthcare without potentially going broke or needing to become a ward of the State in the form of welfare. We should be having that debate. We should have a debate about portable insurance, versus insurance, versus socialized medicine. I am against socialized medicine, but people who want to advocate for it have an intellectually coherent position. That is the debate we should be having. Instead, we are going to kick the can down the road and have another small-ball debate. This is a lost opportunity for the American people, and it kind of makes a sham of the joke that this is the greatest deliberative body on the face of the Earth.

I live in a little farm town in Nebraska. There are 30 not-for-profit boards in my town that deliberate a heck of a lot better than we deliberate in this body. We can and should do better.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, the first three words of our Constitution are ‘We the People.’ Indeed, our forefathers set up a government which produces results of, by, and for the people, but certainly right now, that is not what we are getting.

We are getting a secret plan which has not yet been put on this floor, with a promise that there will be a debate in the middle of the night—no chance for committee hearings on it, no chance to consult with experts, no chance for us to go home and talk to our constituents. This is about as far away from a deliberative, democratic republic as you can possibly get.

It makes us think of 1787, when Ben Franklin came out of the Constitutional Convention and was stopped by someone in the crowd and asked: What do we have—a monarchy or a republic? He answered: A republic, if you can keep it.

Well, we are not keeping it right now through this secret, middle-of-the-night, non-consultative process. We are denying the notion that our Founders fought for the ‘we the people’ Republic.

This is something which touches so many Americans. We are not talking about the weight limit on a highway. We are not talking about what kinds of sins to post. We are talking about fundamental access to healthcare.

If the rumors are right, my colleagues plan to bring forward a bill that will blow up insurance on the exchange for millions of Americans.

An insurance pool is a little bit like a swimming pool. You tear a hole in the side of a swimming pool, the water drains out and there are only a few inches left, and the only people who would bother to go into that depleted swimming pool would be those who really, really want to swim. It is the same with the healthcare pool. The bill coming out tonight, we are told, will kill the healthcare insurance pool, and it will do so in a fashion that only those who have preexisting conditions, only those who are sick, only those who are old, will truly try to get that insurance. This means the sure will be driven out of business. Where will they go? Many of them can’t afford it, so they will drop out. So it means the pool will have even more people who are sick and older. This is the death spiral.

My colleagues today are planning to put forward a bill tonight, we are told, that creates a death spiral insurance. Who pays the price? Who pays the price? Our Nation pays the price with an estimated 16 million people who would lose insurance. We are talking about those who have to have the peace of mind that if their loved one gets sick, they will get the care they need. We are talking about Americans who have every desire to know that if their loved one gets in just an accident, they can be taken care of. But all of that is at risk tonight.

A few moments ago, my colleague from Nebraska came to the floor, and he started out by saying we need to ensure that the President doesn’t overstep his powers. Let’s talk, too, about this Senate not destroying its procedures designed to ensure a ‘we the people’ republic, which means we should all vote to send whatever bill out that will hurt tonight back to committee. It can be duly considered in a bipartisan fashion, with experts, with consultation. In fact, my colleague from Arizona, who came back and gave a dramatic and beautiful speech just 2 days ago, said it should be considered by committee.

Let’s work together to take whatever plan comes out tonight and put it where it needs to be—in committee for due deliberation. This issue touches too many lives. It touches core to the quality of life of our fellow Americans. Let’s not allow any bill to pass out of this Chamber that would do so much destruction.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from New Mexico.

Mr. UDALL. Mr. President, the Senate is now in its third day of voting on major healthcare and we still have no idea exactly what the Republican leadership wants or what bill they are going to put on the floor. The Republican leadership tosses out options, bills that would affect the lives of millions of Americans and one-sixth of our economy. Not even Republicans know what proposal is coming next, and the American public certainly doesn’t know what is coming, and they are very interested because they have healthcare and they want to know if it is going to be taken away from them.

It is as if the Republicans are playing healthcare roulette. The leader spins
the roulette wheel, the ball lands arbitrarily on some version of the ACA repeal, and the leader quickly calls a quick vote on that random version of ACA repeal.

Soon we are going to vote on a cynical and dangerous bill from the Republican Party to rip Medicaid from all. My understanding is the Senator offering this isn’t even going to support his own amendment. If you were in a State legislature, you would be prohibited from offering an amendment like that. They opposed the skinny ACA repeal. They oppose Medicare for all. Why are they seeking a vote? To distract from their own dangerous bills and reckless process. It is a desperate ploy, and everyone sees through it. I support healthcare for all. It should be a right in this Nation. But this is a phony and insincere amendment.

All the while, the President stands to the side, not caring one whit what the bill looks like or how many people will be hurt in the rush to get a bill out the Senate door.

On Tuesday, we voted on the leadership’s Better Care Reconciliation Act 2.0. That would cut 22 million Americans off healthcare. It also has been rejected 27 times unanimously by Americans.

Yesterday, we voted on straight ACA repeal, not replacement. That bill would throw 32 million Americans off of healthcare. That idea is no more popular than the other bills.

Today, we will vote on a last-ditch version which would repeal parts of ObamaCare, the so-called skinny repeal option. That bill is no better. It would mean 16 million Americans get thrown off healthcare, and the other very important part of this is that it would raise premiums 20 percent. We have heard our friend from Nebraska come down here on the floor and talk about their concern about healthcare and concern about the cost of premiums. They ought to know that this proposal is going to raise premiums 20 percent.

This bill is the Republicans’ last hope. It takes away the individual mandate to get health insurance and the employer mandate to provide health insurance to employees. Like the other schemes the Republicans have tried, it would hike premiums for the elderly and for the sick.

Blue Cross Blue Shield is opposed to this. They say “steep premium increases and diminished choices that would make coverage unaffordable and inaccessible.” Like the other schemes, this won’t ensure that more Americans will have healthcare; it means many fewer will. It doesn’t decrease healthcare costs; it increases healthcare costs. Even worse, there have been no committee hearings, no public input on this or any of the other versions of ACA repeal the Republican roulette ball has landed on.

To give you a sample of the public feeling on this issue—I am seeing it across New Mexico—my office now has received 500,000 calls, emails, and letters rejecting the Republican plans. It is an unprecedented number from the small State of New Mexico.

I agree with Senator McCain. We must go back to regular order. We must stop this gamesmanship. We need to work together on a solution to improve the Affordable Care Act by bringing down costs, making it easier for small businesses to provide healthcare, and especially making prescription drugs more affordable—but not by denying New Mexico families and millions more access to quality healthcare.

The Republicans are playing with people’s lives. Making sure severely disabled children have healthcare through Medicaid is not a game; neither is kicking elderly grandparents out of the hospital, further hurrying nursing homes or enabling women to get breast and cervical cancer screenings from Planned Parenthood.

It is hard to keep up with the Republican versions 2.0, 3.0, 4.5, 5.0 of the Affordable Care Act repeal. Every bill is consistent in cutting care for millions of Americans.

The Republicans keep proposing so-called healthcare bills that are not actual healthcare bills. The real healthcare bill would protect gains made, cover more people, and make health insurance more affordable. The Republican bills do none of these things. Their bills reverse the gains, cover millions fewer people, and make health insurance less affordable, especially for those most vulnerable.

The American people want everyone to have affordable healthcare. That must be our goal. Republicans and Democrats should be working hard right now to get us to that national goal.

I have shared the stories of New Mexicans who have lives that have been changed, and even saved, because of the Affordable Care Act—New Mexicans like Mike, from Placitas. Mike had an aggressive cancer but was diagnosed early, thanks to the Affordable Care Act, and doctors saved his life.

Alexis, from Las Cruces, had stroke and brain surgeries when she was 28. She had affordable health insurance under the ACA, and those subsidies helped her keep health insurance and get healthcare coverage. Elena was able to afford a life-saving mastectomy because of Medicaid expansion. These are real people who are now jeopardized by the Republican bills and Republican proposals.

There are thousands more across New Mexico and millions across the country who are crying out for the Republican majority to change this reckless and dangerous scheme.

I yield the floor.

My colleague from New Mexico, Senator Heinrich, is here. He has been a real champion in terms of fighting for working families and for their healthcare.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. Heinrich. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

Mr. Heinrich. Mr. President, for over 7 years, Republicans in Washington have cheery shortcomings in our healthcare system and blamed the Affordable Care Act for every problem under the premise that they would do so much better if just put in charge.

Repealing the law made for great bumper stickers and great campaign promises, but the trouble is that their opposition to the ACA has always been more about politics than it ever was about actual policy or, for that matter, plans to do better for the American people.

That the shockingly rushed and secretive effort on display this week in the Senate chamber is not only furthering President Trump and Republicans in Congress don’t have any real solutions to improve our Nation’s healthcare system. After months of negotiations behind closed doors, when Senate Republicans released their secret TrumpCare bill, its contents proved too harmful for passage, even among themselves. Stuck without a path forward, their latest idea is to pass a small backroom deal before sundown today—which no one has seen yet—and then go to conference with the tea party and the Freedom Caucus in the House of Representatives.

While we still don’t know what we will be voting on, we know that the so-called skinny repeal bill would mean higher premiums and millions of Americans losing their healthcare coverage, not to mention deep cuts that would dismantle the Medicaid Program as it currently exists and throw millions of Americans off their healthcare coverage and put our entire healthcare system into chaos—all to give a massive tax break to the wealthiest among us. That is awful policy any way you look at it.

Since January, I have heard from lit-}

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to get clean from opioid addiction? These New Mexicans and millions of other Americans will be harmed if this bill becomes law.

I am not outraged about all of this because I am a Democrat or because of what I think President Trump is doing. I am outraged about this bill because of what it will do to my constituents in New Mexico. I will do everything I can to oppose this appalling legislation and this appalling process and fight to keep quality, affordable and accessible healthcare for New Mexicans.

If we can halt this mad rush, we can all work—Republicans and Democrats—to get to the things that we agreed need fixing in our system. There is much work to be done there, no doubt about it.

As Senator McCaskill told us all Tuesday: “We have been spinning our wheels on too many important issues because we keep trying to find a way to win without help from across the aisle.”

There is a better way forward. We can come together and work on the things that we know need to be fixed in the ACA. People’s lives hang in the balance. There are real bipartisan solutions if we can get back to regular order.

I want to thank my colleague from New Mexico for his incredible leadership in this debate and say how hard we are going to work to make sure that we keep fighting for our constituents in New Mexico on this healthcare legislation.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I am aware that the time is at an end. I ask unanimous consent for 7 additional minutes.

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

Mr. BENNET. Mr. President, I thank my colleagues from New Mexico, my neighbors, for being here.

I thank the Presiding Officer for his statement. As usual, he is pointing the Senate in a direction that we should be heeded.

Whether people in my State support the Affordable Care Act or whether they don’t, they are dissatisfied with the way our healthcare system works. The Affordable Care Act—or ObamaCare or whatever you want to call it—is just part of our healthcare system. We have Medicare. We have Medicaid. We have hospitals. We have doctors. We have nurses. It all adds up, in America in the 21st century, to a system that is really hard on people and makes it very hard for them to predict their future. It creates situations for which we have choices that no other people in the industrialized world have to make, about raising their family, about staying in a job—as the Presiding Officer was talking about—that they might not want to stay in, or fear they would lose their health insurance.

I thought the Presiding Officer made an excellent point when he said that you don’t lose your car insurance when you leave your place of business for another job. Why should you lose your health insurance? Why should you? Why should you have to put up with things in this country that nobody else in the industrialized world has to put up with?

It may be that the debate we are going to have is as binary as the Presiding Officer was saying. Maybe it is a debate about single payer versus what he described as more consumer based. Maybe it is about government vs. the market. America has a way of trying to figure those kinds of things out—or at least we have historically.

My colleague from Oregon earlier quoted the famous line, which somebody yelled out to Ben Franklin: What kind of government are you creating, a monarchy or republic? That was the question.

His answer was, as the Senator of Oregon said—"A republic, if you can keep it."—if you can keep it.

The Founders had extraordinary vision, and they were creating something that had never existed before in the history of humankind—never existed. You could make an argument about a couple of places in ancient Rome, in Switzerland, and there would be some argument about ancient Rome, but, really, this exercise in self-government had sprung from their imagination and their desire as human beings to govern themselves, to slough off the monarchy that ruled them and ruled others in Europe.

What Ben Franklin said was so important and so wise because he didn’t say: “A republic.” He said: “A republic, if you can keep it.”

When they wrote the Constitution, they were creating a mechanism for the American people to resolve their disputes. They were not creating a republic where they believed that everyone would decide things for themselves. They had vast disagreements. They had disagreements far greater than the ones we have. They had geographic disagreements. They had disagreements about big States and little States. They had disagreements about slavery.

They were able to come together and create a mechanism to resolve our differences. They didn’t believe, as some people seem to do on talk radio every day, that you don’t agree with the other person. You must be a Communist or you must be some right winger. That is not what they believed.

They believed there was a public purpose, that there was public virtue that underlay the work they were trying to do and that we would be able to persist in this Republic only if we kept it—if we kept it.

That is how self-government works. It is not a king telling you what to do. It is not the generation of the Founders telling you what to do. It is doing what you need to do, as the Presiding Officer said, for the sake of people who did their jobs before us but, more importantly, as he said, for the people who are coming after us. Seeing from this perspective, this process is a disgrace. This is why we have a 9-percent approval rating in the U.S. Senate—what has been referred to in past generations as the greatest deliberative body in the world. Those words are spoken mockingly today.

The people I represent, and the people the Presiding Officer represents, are paying a price for this. It has been a long time since I have been in the majority—I am sad to say, but it is true—but there was a time when I would preside, as the Presiding Officer is doing today. A reporter asked me once: What do you think about when you are up there? As John McCain said the other day: We aren’t doing anything here. He is right. We are not doing anything here. We are not improving healthcare for the people I represent.

So the reporter said: What are you thinking about?

Do you know what I told him? I said: What I think about is, What is China doing right now. While Democrats and Republicans here had their fight that has nothing to do with the people whom we represent?

We know what China is doing right now. While we don’t even have the decent to maintain our infrastructure, the roads and bridges that our parents and grandparents had the decency to build for us—starting on this floor—they are building trains, not just in China but all over Asia, to bind them together in an economic union to compete with the United States. What is China doing?

What I deeply regret about this debate is that the end product, whether we pass this bill or if we don’t, is not going to improve healthcare for the people I represent. Again, my starting point is that there are people who like the Affordable Care Act and there are people who don’t like the Affordable Care Act, but everybody is deeply dissatisfied, as they should be, with the way our healthcare system works.

What should we do is abandon this process and, instead, go to committee. Chairman Alexander—he is a Republican—is perfectly capable of running a bipartisan process that could lead us to a place where we actually are making things better for people who live on the Eastern Plains of Colorado, on the Front Range of Colorado, or on the Western Slope of Colorado, who may be Republicans and Democrats, but for whom healthcare is political. It is about their family and about their future. That is what we should be keeping in mind, instead of just the next election around here. Everybody has lamented that, dry-up running out of time, but I remember when the majority leader was not the majority leader. He is a smart person. He came here and said: “Major legislation is now routinely drafted, not in committee, but in the Majority Leader’s conference room and then floor.” What floor with little or no opportunity for members to participate in the amendment process, virtually guaranteeing a fight.”
That is what he said. I am telling those of you with whom I was in town-hall meetings 7 years ago, when people were saying: Read the bill, read the bill. The tea party was at the height, bringing pocket Constitutions to my meetings, telling me to be faithful to that principle that we should be saying that right now: Be faithful to that constitutional process.

He knew the process wasn’t working as it should. What he said was this:

When Democrats couldn’t convince any of us... That is, Republicans—

that [the Affordable Care Act] was worth supporting as written, they decided to do it on their own and pass it on a party line vote.

He continued:

It may very well have been the case that on ObamaCare, the will of the country was not to pass the bill at all. That’s what I would have concluded if Republicans couldn’t get a single Democrat vote for legislation like this, I’d have thought, maybe this isn’t a great idea.

So I say to the Republicans and Democrats who are here today, maybe it isn’t a great idea because they can’t even get the Republican votes. They have the majority. They didn’t win.

They haven’t gotten the Republican votes to repeal and replace, even though they have run on this for 8 years. They had to bring the Vice President here to cast the deciding vote because we were tied. What a shame for the Senate not to do its work and to rely on the executive branch to come here and supply that vote.

Every single person in this body knows the President of the United States has no idea or interest in what is in this legislation. Every single person here knows that. So why are we doing it? We are doing it, I guess, to fulfill a campaign promise to repeal ObamaCare. I can understand why there is pressure for people to do that, because they said that over and over, even though I disagree with their characterization of the bill.

I disagree with the facts they presented. I understand that impulse, but I don’t understand the impulse of writing a bill in secret—listen to this folks—not having a single committee hearing—not one committee hearing in the Senate. Talk about “read the bill.”

How about having a bill that is written down? That I can read it? Where are my brethren in the tea party who wanted to read the other bill? There was a bill then. There had been a bill for a year and a half.

There is no bill. There is no bill because what they are trying to do is to figure out what they can eke out across the line here. They are calling it a skinny repeal. I don’t even know how that satisfies the laugh test, when it comes to the campaign promises that were made around here, but that is what my lithium will not last. We are at 9 percent. This bill, I think, the last time I checked, had a 15-percent approval rating or a 20-percent approval rating. Don’t pass that. We have wasted 6 months—not of our time but of the American people’s time. I have people all over the State of Colorado who would love to come here and testify at a committee hearing about how healthcare is intersecting with their lives. It would be difficult to figure out how they are benefiting from certain things. I would love for them to have a chance to come here and testify, but we haven’t set up that process. We should. We should stop this.

The American people would be relieved if we would stop this partisanship to get together and work on the committee as we should do and pass something on the floor. What we have forgotten about the Affordable Care Act—even though it didn’t have Republican votes, and it should have—is that it had almost 200 Republican amendments adopted as part of the process. I agree with what the majority leader said then. If the process is lousy, the outcome is unlikely to be lousy. An important point he made is that it is unlikely to reflect the will of the American people, and when it doesn’t, what it is going to mean is that we are just going to continue to seesaw from one election to the next election and we are not going to get a result.

I am willing to settle for 80 percent of what I want, or 70 percent of what I want—I am. I don’t think that is an unvirtuous position to have. All these people here have been taking all the time about the principle they are standing on. When you scratch at that and look for the content of the idea underneath that principle, there is very seldom anything there. They are often repeating something they heard last night on FOX or MSNBC, but it wouldn’t be recognizable to the founders as a principle.

For them, a fundamental principle was that you had to unleash the imagination of people with different sets of preferences sets of opinions and from different geographic places in order to do the right thing for this country. That is what we should do today.

I realize the indulgence of the President. I thank him for his kindness.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I wanted to weigh in on a debate that took place on the floor a couple of hours ago—actually, when I was presiding in the chair—between the majority leader and the minority leader on what we are going to be doing here in the next couple of days on the Senate floor.

So right now we are having a healthcare debate. We are finally having a healthcare debate. Many Members have already been talking about healthcare—morning has its uses. I said to the President of the United States: I am speaking to you on my floor and it is a few hours ago—are talking about the importance of healthcare for our country, the importance of, from our perspective, repealing, replacing, repairing a healthcare system that is not working. It is certainly not working the way in which it was promised to Americans. I will not repeat all the promises made by the former President to many Senators, but we know those haven’t come to pass.

As a matter of fact, a number of us—certainly believe in my State, the State of Alaska, the so-called Affordable Care Act has done more damage than good. Here are just a few statistics in Alaska: Premiums in the individual market went up over 200 percent since the enactment of the Affordable Care Act—200 percent. Alaskans in that market—individual Alaskans, for one health insurance plan for one individual, pay almost $1,100 a month in premiums for healthcare. That is not affordable.

So we are debating it. It is important. There is an open amendment process. We are probably going to be debating all night, and that is what we should be doing—the world’s greatest deliberative body debating a very important topic, but have forgotten about the only issue the Senate is focused on.

NDAA

As a matter of fact, a number of us on the Armed Services Committee, over the last several weeks, have been working on and bringing amendments to the National Defense Authorization Act, the yearly act that authorizes funding and training and equipment and policy for our military and young men and women who serve in our military. It is by far the most important things we do in the Senate, by far. So we have been doing that as well as healthcare, which is also extremely important.

Three weeks ago, after a lot of debate in committee, after a lot of hard work, debate between Republicans and Democrats, the draft NDAA of 2017, the National Defense Authorization Act—focused on our national security, focused on our troops—passed out of the Armed Services Committee 27 to 0, a very bipartisan bill, a very important bill, and a very important bill for the country to move on after the healthcare debate.

So the majority leader and the chairman of the Armed Services Committee had a very simple request of the minority leader this morning when I was in the chair presiding, and the request was: Once we are done for now—because it is going to continue with the healthcare debate—it has been done for a long time—once we complete the business we are undertaking for the next several hours on the healthcare debate, that we move forward to debate and pass the NDAA of 2017. It is a pretty simple request, a very reasonable request.

This bill, like healthcare, is extremely important for the Nation, for our troops, for national security. On a personal note, it is particularly important to many of our Members, the chairman of the Senate Armed Services Committee, Senator McCaIN of Arizona. We all know him. Americans
know him. He has been a mentor to many of us, a leader, certainly an American hero who has sacrificed immeasurably for our country. In another of a series of heroic acts by the Senator from Arizona, he returned to the Senate this week after announcing that he is fighting cancer. Senator McCain is a fighter. He is going to win this fight, but he is going back to Arizona very soon for treatment.

So many of us—but especially the chairman of the Senate Armed Services Committee who did more than anyone to move that bill forward in such a bipartisan way—want to take up the NDAA after the healthcare debate. It is pretty simple, pretty reasonable, and really good for the country: finish the healthcare debate for now with this open amendment process that we are beginning already on the floor, then turn to the NDAA after and debate that. It is good for our troops, good for our national security, and it would show respect to the current chairman of the committee who has done more for his country and more to advance this important bill than anyone else.

I hope all of my colleagues—this shouldn't be a partisan issue—can agree that unfortunately we are hearing rumors that the other side is saying: Unless we vote against any healthcare bill to continue to move forward, unless we vote against it to move forward, then they are not going to take up the NDAA. Now, does that make any sense? We are going to debate healthcare. That is really important, but now we are hearing the other side saying: If they don't get their way in the debate, then forget about it. We are not going to take up the bill that authorizes the training and equipping and the policies of the U.S. military. Does that make any sense?

The answer to everybody—everybody in the Senate Chamber, anyone watching TV—it makes no sense. These are not connected. These are not connected issues.

Is playing politics with our troops, tying it to another bill, any way to advance the national security and the welfare of the men and women serving in our military? The answer is no.

Unfortunately, we have seen this movie before. Some might remember last summer, right around this time, when the Appropriations Committee passed out of committee an appropriations bill that was filibustered six times by my colleagues on the other side to come down to the floor and explain why they were filibustering spending for our troops on a bill that passed out of the Appropriations Committee with overwhelming bipartisan support.

I am going to ask the same question. The NDAA came out of the Armed Services Committee 27 to 0. If the minority leader is going to filibuster that, he should come down and explain it to us. If he is going to filibuster it, he will only take up the NDAA if we get our way on the healthcare debate we are having right now, he should come down and explain that because it makes no sense. It makes no sense, particularly because we are all now aware of the very significant national security threats to our country. Pick up the paper—Iran, Russia, China, and in particular North Korea.

There was a report in the paper just the other day—yesterday, front page of the Washington Post—saying it is now estimated that North Korea is going to have an intercontinental ballistic nuclear missile likely by next year that could range not only my great State of Alaska but the continental United States. These are serious national security threats. One of the provisions in the NDAA that had bipartisan support was to significantly enhance our country's missile defense. Is that important? Given the North Korean threats that are at our doorstep, do you think the American people care about that? It is important. It is important, as are the hundreds of other bipartisan provisions in the NDAA that will enhance our national security, authorize funding for our military forces, increase the numbers in our military end strength—and again very bipartisan.

Mr. President, you and I have the honor of serving on the Armed Services Committee. It is a great committee. It is a bipartisan one. We get a lot of work done, led again by a great U.S. Senator, John McCain. I am an honor to serve there.

I believe right now the Senate is trying to reach a unanimous consent agreement that as soon as we do work with healthcare, we will then take up this critically important bill. As the chairman wants, as he has requested, and as our military needs, we should do that. This is not a hard decision by Democrats or Republicans. I hope we can do that.

I encourage all my colleagues on both sides of the aisle, whatever your plans are in the next couple of days, we will get through this healthcare debate—very important for the country—and then let's get through the NDAA debate as well. What we shouldn't be doing is playing politics with our military or somehow tying moving forward on an important piece of legislation for them to another issue that has nothing whatsoever to do with that. We shouldn't be doing that, and if we are, shame on those who are.

So let's move forward, let's have this healthcare debate, and when it is completed, let's immediately move to the NDAA and pass that. It is a bipartisan bill. It is going to help our Nation, help our troops, enhance our national security in dangerous times. There is no reason anyone should block moving forward on that important piece of legislation as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Montana.

AMENDMENT NO. 306, AS MODIFIED

Mr. DAINES. Mr. President, I have listened to some of my colleagues from across the aisle decry our desire to repeal and replace Obamacare. Yes, I do want to repeal and replace Obamacare. Why? Why are we doing this?

Repealing and replacing Obamacare is a means to an end. This is what I have heard from so many Montanans. Here is the end, and I will sum it up into three items: No. 1, to lower costs; No. 2, to ensure that we save Medicaid—protect Medicaid—for the most vulnerable in our society; and, No. 3, to ensure that we protect those with pre-existing conditions.

Some of my friends across the aisle want to see more government control of families' healthcare decisions—in other words, a government-run healthcare system. I believe that we need less government control, not more government control. Their gold standard for healthcare reform is really socialized medicine. It is called various things. Some call it government-run healthcare. Some call it single-payer healthcare. Some call it Medicare for all. But, in essence, it is socialized medicine.

The amendment that I am putting forward today is cut-and-pasted text. It is the exact, precise language. It is a carbon copy—down to every last comma and period—of Representative JOHN CONYERS' bill, who is the Representative from Michigan, which has 115 Democratic cosponsors as I speak. It is supported by of 60 percent of the Democratic caucus in the U.S. House that supports and, in fact, has cosponsored this very bill—this very amendment—that I am putting on the floor here today.

In addition to the 115 House Members, who on the Senate side supports this bill? Well, moveon.org has circulated a petition in support of the Conyers' bill, and the bill has been endorsed by hundreds and hundreds of labor groups, medical groups, political groups, and civic organizations.

Let me be clear. I believe that socialized medicine would be a disaster for the American people. Last November, the American people voted to make America great again, not to make America like England again. Yet I believe that Montanans and the American people deserve to see us debate different ideas right here on the Senate floor. This is referred to as the greatest deliberative body in the world. Well, let's turn this idea coming from the other side of the aisle, which is why I have offered this amendment.
Mr. DAINES. As the chairman, the Senator from Kansas, just mentioned, I believe that Montanans and the American people deserve to see us debate different ideas. That is why I brought this amendment to the floor today.

Earlier today, a couple of hours ago, my colleague from Vermont, Senator BERNIE SANDERS, was on the Senate floor suggesting that my amendment is intended to embarrass Democrats. Senator SANDERS, my amendment shouldn't embarrass anyone. I am trying to show the American people—bring it out here in full light—who is supportive of socialized medicine and who is not. If you are supportive of that, why be embarrassed?

The Senator from Vermont announced that he wouldn't support the amendment unless I voted for the amendment myself. But let me be clear. I don't support socialized medicine. Senator SANDERS does. It is time to fish or to cut bait. Why are Senators on the other side of the aisle running for the hills when they now have the chance to vote on the gold standard bill their party supports?

Senator SANDERS and the Democrats who support Representative CONyers' bill shouldn't be dependent on my support. Senator SANDERS said he would vote for it if I voted for it. Guess what? Tell the American people what you think. I think we should vote no on this. What say you?

The PRESIDING OFFICER. Who yields time?

Mr. SANDERS. Mr. President, this is an exciting day. After years and years, some of my Republican colleagues have begun to understand that we cannot continue a dysfunctional healthcare system which allows 28 million Americans to have no health insurance, which forces us to pay the highest prices in the world, by far, for healthcare and even higher prices—outrageously high prices—for prescription drugs.

I understand that Senator DAINES has offered a Medicare-for-all, single-payer system, and I congratulate him. It sounds to me as though the Republicans are beginning to catch on about the need to transform our healthcare system and join the rest of the industrialized world.

So I say to Senator DAINES, if he is prepared to vote for this legislation and if he can get maybe five, six more Republicans to vote for this legislation, I think we can win it, and I think the United States can join the rest of the industrialized world and finally guarantee healthcare to all people.

So if Senator DAINES and five or six other Republicans vote for this, count me in. And we are going to work together, finally, to provide healthcare to all people. But if Senator DAINES is just playing a political trick—I ask unanimous consent for 30 more seconds.

Mr. ROBERTS. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, if Senator DAINES is just playing a political trick and does not intend to vote for this legislation or have any other Republican vote for it, I would suggest that every Member in the Senate vote present on this bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 346, as modified.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. BROWER (when his name was called). Present.

Mr. BROWN (when his name was called). Present.

Ms. CANTWELL (when her name was called). Present.

Mr. CARPER (when his name was called). Present.

Mr. CASEY (when his name was called). Present.

Ms. COONS (when her name was called). Present.

Ms. CRUZ (when her name was called). Present.

Ms. DUCKWORTH (when her name was called). Present.

Mr. DURBAN (when his name was called). Present.

Mrs. FEINSTEIN (when her name was called). Present.

Mr. FRANKEN (when his name was called). Present.

Mrs. GILLIBRAND (when her name was called). Present.

Mr. HEINRICI (when his name was called). Present.

Ms. HASSAN (when her name was called). Present.

Ms. HIRONO (when her name was called). Present.

Mr. Kaine (when his name was called). Present.

Ms. KLOBUCHAR (when her name was called). Present.

Mr. LEAHY (when his name was called). Present.

Mr. MARKEY (when his name was called). Present.

Mrs. McCASKILL (when her name was called). Present.
Mr. MENENDEZ (when his name was called). Present.
Mr. MERRILEY (when his name was called). Present.
Mr. MURPHY (when his name was called). Present.
Mrs. MURRAY (when her name was called). Present.
Mr. NELSON (when his name was called). Present.
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Mrs. SHAHEEN (when her name was called). Present.
Ms. STABENOW (when her name was called). Present.
Mr. VAN HOLLEN (when his name was called). Present.
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Mr. SCHATZ (when his name was called). Present.
who claim hardship exemptions so they don’t have to buy insurance. But in Texas alone, there are more than 400,000 Texans who earn less than $25,000 a year who can’t afford to buy the insurance. So they pay the fine to the government. So their government fines them for not buying a product they can’t afford.

So now is the time to deliver some relief to our constituents. They are counting on us to keep the deeply personal doctor of health-care plans and doctors in their hands and not the Federal Government’s. So it is time to deliver, and my goal is to make sure we find a solution and get it to the President’s desk.

One of the most offensive parts of the Affordable Care Act—or we should have called it the un-Affordable Care Act, since premiums have gone up 105 percent since 2013 alone—is that people who were told a family of four would see a reduction of $2,500 a year in their premiums are now paying premiums up by more than $3,000. There are a lot of stories—I am sure even here in this room, in this Chamber—where people simply have seen their premiums go up, up and up along with their deductibles, denying them the benefit of their insurance. But the individual mandate is a prime example of government getting in the way of individual freedom and the right to choose.

The so-called individual mandate—we really should call this the penalty that government imposes on its citizens for failing to purchase a product they don’t want and, in some cases, don’t even need—forces them to do so at a cost that was crippling and continues to be crippling for many individuals and families.

Here is a shocking statistic. An estimated 8 million Americans pay the fine associated with this mandate each year. Eight million Americans penalized by their own government, forced to pay a fine that could be used on coverage that might actually suit their needs. If ObamaCare would make it possible that the market could prosper and insurance companies offered a variety of products at different prices that people could choose from, maybe some of these folks could take the money they are paying their own government as a penalty and actually buy insurance coverage.

The so-called employer mandate. This is one of the most pernicious of the mandates. I remember sitting with a friend of mine, who happens to own a small architectural firm in San Antonio, back when ObamaCare passed, and I explained to him: If you have more than 50 employees, then you are going to have to buy or provide ObamaCare-compliant healthcare for your employees.

He said: Well, I may have to lay off some people because we have 54 employees. So I am going to have to fire at least four of them to get below that 50-person threshold so I can avoid the fine and the insurance that I can’t afford to provide for my employees.

So this has literally been a job-killing employer mandate. This is not some benign or innocuous requirement. This has been one of the reasons why the economy stagnated even since the great recession of 2008, and this is the reason why so many people feel like the economy has not really recovered, because it hasn’t provided them job opportunities and larger wages for those that are keeping business growth, to be sure, especially among small businesses, which are the primary job engine of our economy. Often times jobs were cut in order to avoid bankrupting the business through ObamaCare fines.

So Americans have been forced by their own government, no less—government is supposed to serve the people, not the other way around—to live under mandates, taxes, broken promises, and collapsing markets for too long. We are paying for keeping our promises, demonstrating that we can govern, even, unfortunately, without the assistance of our Democratic colleagues, and paving the way to tackle other important issues, like tax reform, reining in government spending, this is what we need to do to keep the economy growing and moving forward.

So we will be hearing more about a possible solution and a way forward, and it’s really the freedom to choose plan, where we free the American people from the destructive impact of this so-called individual mandate, where we free small employers from the employer mandate, letting them hire the employees they need and not having to choose between that and bankruptcy.

And, yes, we are going to push more power out of Washington, DC, and back to the States. I know, based on the public opinion polling I have seen, that Americans want their States a lot more than they trust Washington, DC, when it comes to healthcare. So we are going to provide the flexibility and tools that the States, the Governors, and the legislators need, as well as the insurance commissioners, to come up with a viable market using resources we are going to provide to them.

It would be better if we could all come together to find a solution to engage in debate—Republicans and Democrats alike—and pass a final product and get it to the President’s desk. That is, actually, how the legislature is supposed to function. But unfortunately we are in unusual times, when almost half of the Senate refuses to participate. Actually, they will be actively trying to undermine our efforts to come to the rescue of the people that are hurting as a result of the deception and the failures of ObamaCare. I don’t know how you explain that. You certainly can’t explain it to constituents like I have a dollar of a penalty and the cost of a single one of the Senators here is trying to blow up this process and undermine the progress we are making has constituents back home who are suffering the same way my constituents are, but they are turning a deaf ear to them and saying: You know what, politics and party and ideology are more important to me than actually addressing the needs of my constituents. That is what their actions are effectively saying, and it is a shame.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I wish I could stand here today and tell you that the Affordable Care Act, or so-called ObamaCare, had worked. I wish I could sit here and tell you today that the American people were better off as a result of the Affordable Care Act, but I can’t do that, and it gives me no joy in having to make that statement.

Now, as you know, Mr. President, not a single Republican voted for the Affordable Care Act. The Affordable Care Act was passed at President Obama’s suggestion by the Democratic Members of the House and the Senate. They had a majority, and in this body the major- ity rules. I don’t want to ascribe to the President or to our Democratic friends any ill motives whatsoever. They wanted what was best for the American people. It wasn’t a question of bad motives. It was just a bad idea. It didn’t work.

Let me say this another way. I believe that President Obama and our colleagues on the Democratic side of the aisle in the Senate and in the House of Representatives passed ObamaCare with the best of intentions. But, you know what, Mr. President—I know you also happen to be a physician—150 years ago, doctors used to bleed their patients with the best of intentions, and they stopped doing that. They did it. They didn’t have any bad motives in doing it. They did it because they thought it would help the patient. It killed many of them. So they stopped doing it.

You know we were told when the Affordable Care Act, so-called ObamaCare—I don’t mean any disrespect in calling it ObamaCare. President Obama himself refers to it as ObamaCare. When the Democrats in the Congress passed ObamaCare, I remember well what we were told because I wanted to believe it. The President said: If you like your insurance you can keep it. It turned out not to be true.

The President said: If you like your doctor, you can keep your doctor. I think that is what is wanted, but you couldn’t.

He said the Affordable Care Act would “cover every American and cut the cost of a typical family’s premium by up to $2,500 a year.” It is not even close.

President Obama said ObamaCare would “bend the cost curve for healthcare’’ without adding “one dime
to the deficit." None of that was true. I think the President meant it at the time. I think he wanted it at the time. I know I did. I know you did, Mr. President. But it just turned out not to be true.

Now, the simple fact of the matter is—and I think every reasonable person has to conclude—that the Affordable Care Act has not worked for the American people.

Let’s talk about the exchanges. As you know, Mr. President, there are two parts of the Affordable Care Act. There are the exchanges through which people go and buy insurance directly from an insurance company, and then there is the Medicaid expansion. I want to talk about the exchanges for a moment.

In 2016, under ObamaCare, we started out with 281 insurance companies offering insurance to the American people. That is a good start. The problem is that 141, and they are dropping like flies. In my State of Lou- isiana we are down to three. A third of all the counties in America have only one choice—one insurance company that will still write insurance—and many of our counties have zero, none. They can’t get insurance at all. They have been given a bus ticket, but there is no bus.

As for Louisiana, let me talk just for a moment about my State—our State— Mr. President. In Louisiana, premiums have gone up 123 percent on the exchanges since 2013. That is an average of a $3,600 increase per plan. Nationwide, the average ObamaCare plan now costs 105 percent more than when it started. That is $3,000 per person. What is particularly incredible to me, Mr. President—you know these statistics better than I do—in Louisiana we have 136,000 people who, rather than buying insurance off the exchanges, have chosen to pay the fine. Let me say that again. I will say it in my State. I looked at the insurance offered to them, with the subsidies, and have said: We would rather pay the fine. Of that 136,000 who said they would pick the fine instead of the insurance, 84 percent of them, with the subsidies, and have said: We would rather pay the fine. We are better off paying the fine. We are better off paying the $9,000. We are better off paying the $50,000, the Federal Government has said: We have a great deal for you. Give us $9,000, and then we might be able to give you some healthcare.

For that $9,000, what do I get? Suppose I say: OK. Here is my $9,000. I don’t want to find out if I am only going to lose it, as I am only making $50,000 a year, and, of course, the government is taking some of that for taxes, but I find $9,000 a year. Do you know what I get? I get four doctor visits, I get two lab tests, my deductibles, my out-of-pocket, plus my premiums. Now, I am 60 years old. I am living in Baton Rouge, LA, where the cost of living is not that high, and I am making $50,000. The Federal Government has said: We have a great deal for you. Give us $9,000, and then we might be able to give you some healthcare.

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As for Louisiana, let me talk just for a moment about my State—our State— Mr. President. In Louisiana, premiums have gone up 123 percent on the exchanges since 2013. That is an average of a $3,600 increase per plan. Nationwide, the average ObamaCare plan now costs 105 percent more than when it started. That is $3,000 per person. What is particularly incredible to me, Mr. President—you know these statistics better than I do—in Louisiana we have 136,000 people who, rather than buying insurance off the exchanges, have chosen to pay the fine. Let me say thatcur again. I will say it in my State. I looked at the insurance offered to them, with the subsidies, and have said: We would rather pay the fine. Of that 136,000 who said they would pick the fine instead of the insurance, 84 percent of them, with the subsidies, and have said: We would rather pay the fine. We are better off paying the fine. We are better off paying the $9,000. We are better off paying the $50,000, the Federal Government has said: We have a great deal for you. Give us $9,000, and then we might be able to give you some healthcare.

For that $9,000, what do I get? Suppose I say: OK. Here is my $9,000. I don’t want to find out if I am only going to lose it, as I am only making $50,000 a year, and, of course, the government is taking some of that for taxes, but I find $9,000 a year. Do you know what I get? I get four doctor visits, I get two lab tests, my deductibles, my out-of-pocket, plus my premiums. Now, I am 60 years old. I am living in Baton Rouge, LA, where the cost of living is not that high, and I am making $50,000. The Federal Government has said: We have a great deal for you. Give us $9,000, and then we might be able to give you some healthcare.

Now, the simple fact of the matter is—and I think every reasonable person has to conclude—that the Affordable Care Act has not worked for the American people.

Let’s talk about the exchanges. As you know, Mr. President, there are two parts of the Affordable Care Act. There are the exchanges through which people go and buy insurance directly from an insurance company, and then there is the Medicaid expansion. I want to talk about the exchanges for a moment.

In 2016, under ObamaCare, we started out with 281 insurance companies offering insurance to the American people. That is a good start. The problem is that 141, and they are dropping like flies. In my State of Lou- isiana we are down to three. A third of all the counties in America have only one choice—one insurance company that will still write insurance—and many of our counties have zero, none. They can’t get insurance at all. They have been given a bus ticket, but there is no bus.

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Let me give a couple more examples because we talk around here in concepts, and we all know what we are talking about, but average Americans who get up every day and go to work, who work hard, who pay their taxes, who try to do the right things for their kids and try to save money for retirement do not have time to deal in concepts. They are too busy earning a liv-
Any Senator who believes that Medicaid makes it out of the skinny package without taking a hit ought to take a look again. Senator MURRAY and I spent a long time in working with the Congressional Budget Office to, in effect, get them to do some analysis of something that are health care and a CBO package. What the Congressional Budget Office said—and it is the impartial, nonpartisan umpire—is that under this skinny package that is not supposed to do any harm to Medicaid—and it is—is the language of the CBO report—Medicaid gets hit with a $220 billion reduction for over a decade under this so-called skinny proposal.

So if you are one of our colleagues on the other side of the aisle who say they really feel strongly about Medicaid and about seniors—Medicaid, we all know, picks up the cost of two out of three nursing home beds, and it covers a wide variety of community-based services. I have loved to watch the development of community-based services. We started them in Oregon back in the days when I was the director of the Gray Panthers.

In this so-called skinny budget, according to the Congressional Budget Office, would get hit with a $220 billion reduction. I think my colleagues on the other side of the aisle who are saying “Hey, the skinny package isn’t going to have any implications for Medicaid” would want to take a look at this. I think the Congressional Budget Office is saying there really are implications for vulnerable seniors, for kids with special needs, for the disabled, and for all of those Americans who are walking on an economic tightrope every single month in balancing their food costs against their fuel costs and their fuel costs against their health bills.

The numbers on skinny repeal show that 16 million Americans will lose coverage. Premiums nationwide are likely to jump by 20 percent immediately if it becomes law. Industry experts are saying there is not any way this can work. It just causes too much bedlam and uncertainty. It is like pouring still more gasoline onto the fires of uncertainty. It is about as likeable as happening at my joining the NBA for the upcoming season.

Let’s take an honest look at how the debate has unfolded. Republicans have had 7 years to come up with a replacement to the Affordable Care Act that they can all agree to. Obviously, they won’t. In the Senate, the process flatlinetd until the majority leader began the shell game that has culminated in today’s vote. There were not 50 votes for TrumpCare here in the Senate. There were not 50 votes for repeal. That is why the skinny repeal is a why proposal left on the table. As I indicated, who knows what was done at the Republican lunch today at noon between the salad course and the entree?

Yet let’s be clear about what is likely to happen if HACA gets involved. The guarantees of Members of this body will get to protect their constituants are out the window—kids with disabilities and older people—say, a baby boomer. My colleague in the chair, who is a skilled physician, understands this. You have a baby boomer who has had a stroke, who is in his late 50s, early 60s, and he is in a nursing home. He is going to really face some challenges in terms of how to be able to afford care with the kinds of cuts that, on page 1 of the report to Senator MURRAY and me, the CBO has said it believes will take place in Medicaid.

We know these rural hospitals are the economic engines of communities. I have made eight stops on a rural healthcare listening tour in my home State, and what we see is, without rural healthcare, you aren’t going to have rural life. It is going to be paralyzing, and other efforts could conceivably result in seniors between 55 and 65 paying five times as much as younger people and getting fewer tax credits. Nobody can honestly say that the millions of Americans with preexisting conditions will be shielded from discrimination, and what a step backward that would be.

Before the Presiding Officer was here, 14 Senators—7 Democrats and 7 Republicans—joined me in the 2009-2010 period. Many of them are still here on both sides of the aisle. Republicans were a part of the effort and Democrats were a part of the effort. We wrote a bipartisan bill that had a tight, loophole-free protection for those who have preexisting conditions. We got it in the Affordable Care Act. All of the Senators who joined on that bill ought to feel pretty good about taking a big step to move America away from health care for the healthy and wealthy. Now we are talking about the prospect of policies that will walk that back.

It is my view that the clear choice for my colleagues who don’t like the skinny repeal of course like TrumpCare is to reject the process. It seems to me the surest way to prevent a bill you don’t like from becoming law is to vote against it. Quaint idea: Just vote against it.

I want to turn, as well, to another bit of breaking news, which comes from our Parliamentarians who do so much good work, and they have an extraordinarily stressful job. Another key part of the Republican plan has been deemed ineligible in the last few hours to move forward via the partisan approach. The decision pertains to a proposal that lets States undo the consumer protections built into insurance marketplaces under the Affordable Care Act. That proposal will not get fast-track privileges or a 50-vote threshold under reconciliation here on the Senate floor.

Here is what that section of the bill was all about. I wrote a provision—and, again, our group of 14 bipartisan Senators, seven Democrats and seven Republicans, can take credit for this as well—about an issue that the President of the Senate and I all have talked about a number of times: letting the States be the laboratories of democracy, taking the lead on creative health solutions.

So out of our bipartisan bill—14 Senators—we said that we are going to give the States the freedom to do better. The States would have the chance to do better. When we did it, we got some flak from all over the political spectrum. But we pushed very hard, and we got it in to the final legislation. It was about providing flexibility to States because so many on both sides of the aisle—my guess is our friend from Pennsylvania, and anyone who is on the Finance Committee, has heard and again and again that State officials, business leaders, and others have said: If you just give us the freedom, we can do better. They don’t say: Give us the freedom to do worse. They say: Give us the freedom to let us do better.

That is what section 1332 was all about. It said that States could chart their own course on healthcare as long as they were going to do better—better for coverage, better for affordability. They made it clear that if you feel you can do better—if the Louisiana Legislature says: We have ideas for what works for Louisiana, which may not work for us, give us the freedom to go do our thing—that is in the Affordable Care Act, the freedom to do better.
I would be the last person to tell my friend from Louisiana, a skilled physician who has a great interest in health policy—I would be the last person to say: Hey, I am going to dictate to Louisi-a what an approach involving a waiver should be all about. It is quite the opposite. I spoke to Senator Claiborne, a great Senator from Louisiana, to Pennsylvania, to all of our colleagues, if you have ideas that are going to do better by people—better coverage, more affordable—God bless you and your constituents. That is what I am about.

We said that all we are going to say is we have to have some basic consumer protection here. You can’t just get a waiver and go off and do nothing or just spend the money on some pork kind of project: you have to do better by people—better coverage, more affordable coverage, having basic consumer protections. The Senate TrumpCare bill tried to basically throw those consumer protections out the window. States would be able to get waivers to opt out of basic consumer protections—basic, plain, vanilla consumer protection for coverage and affordability. My view was that kind of stuff is a backdoor way to set up junk insurance—junk insurance protections. That wouldn’t cover much more than gauze bandages and aromatherapy.

Some people may wonder why this is important today, since the Senate resoundingly voted down the Better Care Reconciliation Act earlier this week.

The answer is that my colleagues on the other side still seem to be trying to shoehorn this scheme for worse coverage—not better coverage—under a waiver into the skinny repeal proposal. The Senate is going to vote on in a matter of hours. But the decision has come down. The decision has come down from the Parliamentarian that regulatory changes that gut consumer protection, that was right at the heart of the Affordable Care Act, isn’t going to fly. And, frankly, I think it calls into question what the Parliamentarian said—it calls into question whether any of these big anti-consumer schemes are going to get 50 votes.

So this is yet more uncertainty ahead if Senate Republicans pass this skinny repeal bill and the debate drags on.

Now, at the risk of boring our wonderful pages and the staff who have heard me on the floor saying this before, there is a bipartisan approach. I think I have shown my bona fides over the years with respect to bipartisanship. I mentioned our universal coverage bill—the first time Republicans, Democrats came together and said that this is something where there is common ground because it is common sense. I have worked with colleagues who are perhaps some of the most conservative Members of the Congress on initiatives like the Oregon Health Benefit Exchange. That is what I have wanted to dedicate my entire professional service to—bipartisanship in health. Ever since those days with the Oregon Gray Panthers, that is what I always thought was the most important thing because if Senator TOOMEY, the President Pro Tempore, all of our colleagues—all the people here—if you don’t have your health, then pretty much everything else is up in the air. So health has been the most important issue—an important issue we have to deal with in a bipartisan way.

I have said—which is why I wanted to alert the professional writers—staff about the prospect of true boredom and just nodding off through the afternoon—that there is an alternative. If Republicans drop the reconciliation, the our-way-or-the-highway approach, colleagues on this side have said that they want to work on a bipartisan basis. It doesn’t take rocket science to figure out what that needs to be.

The first thing that Democrats and Republicans would do is stabilize the private insurance market—the first thing that every person has said that the Affordable Care Act is far from perfect. We have colleagues here, including Senator KAINE with his reinsurance proposal, Senator SHAHEEN with her cost-sharing effort, Senator McCASKILL to take the emergency waiv-er into the skinny repeal proposal. If we drop this our-way-or-the-highway partisan approach.

We ought to work together to bring down prescription drugs prices. I have spoken on a number of occasions with the Presiding Officer about the fact that literally out of nowhere over the last few years we saw a whole industry develop around prescription drugs, where a bunch of middlemen are supposed to be getting the consumer a good deal on medicine, but nobody knows what they put in their pocket and what they put in the consumers’ pocket, and that’s why we need to figure out what that needs to be. And, I am certain there are Republicans who have ideas that would be part of a good bipartisan package if we drop this our-way-or-the-highway partisan approach.

We ought to be working together to figure out what that needs to be. Look, we are just against what you are doing. Let us defeat this skinny, sham, shell game kind of process that looks like what we are going to be voting on tonight and then get serious about doing what legislators do, which is not take each other’s crummy ideas, but take good ideas and work on them in a bipartisan way.

Mr. President, I yield the floor. Now, at the risk of boring our wonderful pages and the staff who have heard me on the floor saying this before, there is an alternative. If Republicans drop the reconciliation, the our-way-or-the-highway approach, colleagues on this side have said that they want to work on a bipartisan basis. It doesn’t take rocket science to figure out what that needs to be.

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Mr. President, I yield the floor.
The collapse of these ideas should have resulted in a renewed spirit of bipartisanship, where we could work together to stabilize and improve the health insurance markets. Instead, the Republican majority is so intent on voting on anything that helps them lose the election that they are considering voting to repeal two or three policies from the Affordable Care Act solely in order to get something through the Senate and into conference with the House. This is nothing more than legislative malpractice. We are presumably considering a bill that will devastate our health insurance markets, and the best reason the Republicans can come up with for supporting final passage is “because we said we would.”

The notion that this majority would reduce themselves—and the Senate—to finding the lowest common denominator in order to move ahead with a policy of this magnitude is not only absurd. While the versions of the Republican plans we have seen differ slightly, they all have the same, basic structure. Let’s call these plans what they are: a massive tax cut for the wealthy on the backs of pregnant women, children, and the disabled. If the Senate votes for these bills, we will all start using the same, basic structure as they have applied to their health care coverage. It is a tax plan in the guise of a health plan. We are considering massive entitlement reform bills that the Republican majority is trying to sell as fixes to the Affordable Care Act. But we know that these bills would fix nothing and would instead create tremendous new challenges.

According to the nonpartisan Congressional Budget Office, each of the various Republican proposals would cause at least 22 million people to lose their health insurance. For instance, the CBO projected that the Senate Republican’s first proposal would result in marketplace enrollees paying on average $2,600 more towards their premiums for a plan in 2020 than under current law. Another proposal offered by the majority would result in higher deductibles, rising from $3,600 under current law to $6,000. Under this one proposal, Americans would be expected to pay more money for less care. And as if the Medicaid cuts in the House bill were not deep enough—which caused the President to call the bill “mean”—another Senate Republican proposal would cut $1.5 trillion from deep Medicaid cuts beginning in 2025.

The Senate’s proposals have certainly not been less “mean” than the House bill. If anything, the Senate’s bills are meaner.

In Vermont, the effects of any of these bills would be disastrous. Since the passage of the Affordable Care Act, Vermont has made exceptional progress to cut the rate of uninsured Vermonters by half. The number of uninsured Vermonters has now less than 4 percent. Because of the Medicaid Program and the Children’s Health Insurance Program, known as Dr. Dynasaur in Vermont, 99 percent of children have health insurance in our State. TrumpCare, in any version, places Vermont’s progress at risk.

Vermont has also worked on new and innovative ways of delivering healthcare, which has brought down costs and increased care. One of the most significant ways Vermont has done this is through existing flexibility in Medicaid. It is through the Medicaid Program that Vermont has offered comprehensive treatment services for those suffering with opioid addition. In Vermont, 68 percent of those receiving medication-assisted treatment for opioid addiction are Medicaid recipients. If hundreds of billions of dollars are cut from the Medicaid Program, States will be forced to limit coverage, jeopardizing Vermont’s ability to overcome this crisis. Provisions that cap Medicaid spending do not create “flexibility” in Medicaid. This policy would instead force States to ration care.

This spring I spoke to a mother who has two young daughters. Both of her daughters suffer from cystic fibrosis. Luckily, they have the disease mutation that allows them to benefit from new drug therapies, but it is because of Medicaid that they have access to their medications. It is necessary to afford the $20,000 per month that it costs to provide medication for each of her children. How can we tell this mother that her daughters might no longer be able to take this medication? And can she consider the constraints in Medicaid? How can we tell future children who should have access to Medicaid that it was more important to give the wealthiest Americans a tax cut?

I heard from another woman in Norwich who shared this story with me: “Five years ago, both on the same day, my husband and I were diagnosed with cancer. The fact that we are both alive today is entirely thanks to President Obama. I underwent two hospital admissions, four months of chemotherapy, and fourteen surgeries. I still take drugs every day. Of chemotherapy, and fourteen surgeries. I still take drugs every day.

Mr. BLUMENTHAL. Mr. President, I have previously stated in the RECORD my intention to submit a motion to H.R. 1628 regarding the Prevention and Public Health Fund. That motion was also supported by Senator NELSON.

Mr. FRANKEN, Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the matter is ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Franken moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions that would repeal the medical loss ratio and allow insurers to spend less of their revenue from premiums on providing high quality medical care and more on corporate profits and administrative overhead.

Ms. HIRONO. Mr. President, I intend to offer the following motions to H.R. 1628, and I ask unanimous consent that they be printed in the RECORD.
There being no objection, the material was ordered to be printed in the RECORD, as follows:

**MOTION TO COMMIT WITH INSTRUCTIONS**

Ms. HIRONO moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure that the bill will not result in increased out-of-pocket health care costs, or increased taxes for any individual in the State of Hawaii, with such changes maintaining the deficit neutrality of the bill over the 10-year budget window.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure that any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the text of these motions to commit be printed in the RECORD.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure the reduction of infant mortality.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure that any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the text of these motions to commit be printed in the RECORD.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure that the bill will not reduce funding for, or otherwise harm, rural tele-health programs.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure that any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

Mr. BROWN. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

This motion would commit the bill to the Finance Committee with instructions to eliminate all provisions that would increase healthcare costs for the middle class and those struggling to get into the middle class.

I am offering this motion because healthcare costs are already too high for hard-working Ohioans, and this bill would make them even higher. We ought to be working to bring down costs; yet as my colleague Senator Heller said, there is nothing in this bill that would lower premiums.

The first test of any bill should be, do no harm so I would hope all my colleagues will join me in ensuring that any bill that comes out of this body doesn’t saddler working families with higher healthcare bills.

Mr. CARPER. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to ensure the bill includes reforms to our health care system that lower healthcare costs and improve health outcomes.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) ensure that the bill will not result in increased out-of-pocket health care costs, or increased taxes for any individual in the State of Hawaii, with such changes maintaining the deficit neutrality of the bill over the 10-year budget window.

Mr. CARPER. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to ensure the bill includes reforms to our health care system that lower healthcare costs and improve health outcomes.
I am offering this motion because the healthcare bills before us make devastating changes to our country’s healthcare system that endanger Americans’ access to healthcare and raise healthcare costs for all Americans, but contains no commonsense reforms to our healthcare system that drive down underlying healthcare costs and improves health outcomes. Millions of Americans wrestle with unaffordable healthcare costs and our fee-for-service healthcare system remains inefficient and wasteful. Instead of passing the buck to States and reducing access to healthcare for low-middle income Americans, we should be focusing on reforms that can improve the healthcare system and lower healthcare costs for all Americans.

The following Senators support my motion to commit: Senators COONS and SHAHEEN. I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Carper moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. ensure that the bill improves health outcomes and lowers health care costs.

Mr. MARKEY. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senators LEAHY, SHAHEEN, VAN HOLLEN, and WARREN.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Markey moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. eliminate provisions that would reduce the Federal Government’s financial commitment to currently active and successful Medicaid waivers under section 1115 of the Social Security Act that are promoting the objectives of such Act.

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628 and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senator BLUMENTHAL.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. ensure that the bill increases the number of Americans with health coverage rather than stripping millions of coverage.

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senators BLUMENTHAL and MENENDEZ.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Finance of the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. expand the credit for employee health insurance expenses of small employers to include employers with a greater number of employees, to extend the credit period, and to increase other limitations under the credit.

Mr. MURPHY. Mr. President, I intend to offer the following motions to H.R. 1628, and I ask unanimous consent that they be printed in the RECORD.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with rare diseases.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. eliminate provisions that would destabilize health insurance markets.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. eliminate provisions that would lead to increased premiums and out of pocket costs for Americans.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

1. are within the jurisdiction of such committee; and
2. eliminate provisions that would lead to increased premiums and out of pocket costs for Americans with Alzheimer’s disease.
Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for pediatric cancer patients.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for Americans older than 55 years.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for disabled veterans.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with mental health or substance use disorders.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with breast cancer.

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for domestic violence victims.

**Mr. SANDERS.** Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Finance to report back with changes that ensure the bill includes a provision to lower the eligibility age for Medicare benefits to age 55.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill includes a provision establishing a robust public health insurance option that is affordable and high-quality, that provides comprehensive benefits, and that may be offered on the Federal and State exchanges.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill includes a provision establishing a robust public health insurance option that is affordable and high-quality, that provides comprehensive benefits, and that may be offered on the Federal and State Exchanges.

**Mr. SANDERS.** Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Finance to report back with changes that ensure the bill includes a provision to lower the eligibility age for Medicare benefits to age 55.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that no provision in the bill will reduce or eliminate the amount of Medicaid funding provided to schools under current law.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report back with changes that ensure the bill includes a provision to lower the eligibility age for Medicare benefits to age 55.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with the following amendment (inserted at the appropriate place):

**SEC. 2. REGULAR ORDER.**

Notwithstanding any other provision of law or nothing in this Act, including the amendments made by this Act, shall take effect until a bipartisan conference has been held and had convened by the Committee on Finance, an Urban Indian Organization, or Indian Health Service, an Indian Health Program, or the Medicaid program shall not apply with respect to services provided to individuals who are American Indians or Alaska Natives.

**Mr. SANDERS.** Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with the following amendment (inserted at the appropriate place):

**SEC. 3. REQUIREMENT TO HOLD CONFERENCE.**

Notwithstanding any other provision of law, nothing in this Act, including the amendments made by this Act, shall take effect until the both the Senate and the House of Representatives pass this Act through regular order.

**Mr. MARKEY.** Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

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

**MOTION TO COMMIT WITH INSTRUCTIONS**

Mr. Markey moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with the following amendment (inserted at the appropriate place):

**SEC. 3. REQUIREMENT TO HOLD CONFERENCE.**

Notwithstanding any other provision of law, no provision of this Act, including any amendment made by this Act, shall take effect until a bipartisan conference has been convened and with respect to this Act, and such conference report has passed the Senate and the House.
Mr. MERKLEY. Mr. President, I intend to offer the following motions to H.R. 1628, and I ask unanimous consent that it be so printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for children with pre-existing conditions.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for military veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for individuals with pre-existing conditions.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for veterans with brain cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Social Security recipients.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Vietnam War veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for veterans of the Wars in Iraq.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for World War II veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Medicare beneficiaries.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with breast cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with pancreatic cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with asthma.
the loss of health insurance coverage for people with Leukemia.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Cerebral Palsy.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Muscular Dystrophy.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Parkinson's.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Low Gehrig's disease (ALS).

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Cystic Fibrosis.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Crohn's Disease.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Cystic Fibrosis.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Parkinson's.

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Low Gehrig's disease (ALS).

**MOTION TO COMMIT WITH INSTRUCTIONS**
Mr. Merkley moves to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, pending any action of the Senate not in session, with changes that would strike any provision that would eliminate, limit access to, or reduce the affordability of pediatric dental services by repeal all or part of the Patient Protection and Affordable Care Act, ACA, or otherwise negatively impact children's access to coverage or such services.

I am offering this motion because the Finance Committee should review the interactions of critical services for children of access to dental care. An estimated one of five children aged 5 to 11 years and one of seven adolescents aged 12 to 19 years in the U.S. have at least one untreated decayed tooth. Consequently, tooth decay has led to 51 million school hours lost annually, and related dental disease can cost billions to our healthcare infrastructure. Early childhood cavities and related oral complications also disproportionately affect low-income families and minority communities.

The ACA has expanded access to dental services nationwide by designating pediatric dental services as one of the essential health benefits. Expanding access to affordable dental benefits is essential to any day on which we are able to secure the health and well-being of our children. Many have heard me speak before about the tragic loss of Deamonte Driver, a 12-year-old Prince George's County resident, in 2007. Deamonte's death was particularly heartbreaking because it was entirely preventable, but as a toothache turned into a severe brain infection that could have been prevented by an $80 extraction.
We cannot let what happen to Deamonte happen again. I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provision that would—
(A) eliminate, limit access to, or reduce the affordability of preventive dental services by repeal all or part of the Patient Protection and Affordable Care Act, or
(B) otherwise negatively impact children's access to coverage of such services.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would strike any provision that would eliminate, limit access to, or reduce the affordability of health services for homeless individuals.

I am offering this motion because the Finance Committee should review the implications of depriving millions of children of access to dental care. On any single night, over 500,000 people experience homelessness. On any single night over 50,000 of these individuals are homeless veterans. Many individuals experiencing homelessness have significant healthcare needs and may suffer from mental health, conditions, substance use disorders, and chronic diseases like diabetes, asthma, and hypertension. Without access to health services, individuals tend to use hospitals and emergency departments at high rates, driving up both healthcare costs. The Patient Protection and Affordable Care Act, ACA, has greatly decreased the uninsured rate among homeless individuals, leading to better health outcomes, and creating stability in the individual's life. Health centers that treat the poor and homeless in States that expanded Medicaid report that 80 or 90 percent of their patients are now covered by insurance.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate, limit access to, or reduce access to mental health services and substance abuse treatments.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance use treatment to millions of Americans.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.

An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

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

MOTION TO COMMIT WITH INSTRUCTIONS
Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and
(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance abuse treatments.
The budgetary problem we have is mandatory spending. This is not breaking news. This is nothing that is controversial. Anybody who has taken an honest look at the numbers can come to no other conclusion. The discretionary portion of the budget, which used to be the lion's share of the budget, has been relatively flat. Actually, it has even declined in recent years. The mandatory spending has been going through the roof.

Of course, there are multiple problems with this, not the least of which is—at this kind of growth in mandatory spending—the first thing it does is it squeezes out all other categories of spending. We are already living through that, as the discretionary spending—including on our Nation’s defense—has been declining because you can’t do so much of both, but in time you could zero out all the discretionary spending, and there still will not be enough for all the mandatory spending. There is no line we can follow our way if we stay on the path we are on.

Where is all this mandatory spending coming from? The next chart shows that pretty clearly. The bulk of mandatory spending, especially in recent years, is from Medicaid. The reason I say that is, Social Security is a big program, but Social Security has a dedicated revenue stream. The payroll tax historically used to cover all of it. For a while there, it covered more than the cost of Social Security benefits. While that fluctuated when we suspended the payroll tax, by and large, the payroll tax pays most of the Social Security costs that we have day-to-day.

Medicare also has a revenue stream that is dedicated from payroll taxes, but it doesn’t cover nearly as large a percentage of the Medicare costs as Social Security so we see the green line generally is higher than the blue line. The line which is higher than all by far is the Medicaid line because there is no dedicated revenue stream to Medicaid, and the net expense, therefore, is by far the biggest of all our entitlement programs.

Medicaid has been growing at a really shocking rate for years. In 1980, Medicaid spending was only 2.4 percent of our budget, a half a percent of our economy; by 1995, it was almost 6 percent of our budget; and today it is 10 percent of the budget, 17 percent of all healthcare spending. So this is happening because Medicaid is growing much faster than our economy is growing.

The fact is, no Federal program can grow faster than the economy indefinitely because the economy has to fund the entire Federal Government. Hopefully, funding the government is only a portion of what our economy is doing. The main purpose of our economy is to provide a livelihood for the people who create it, and as we live in a society that is growing at a staggering rate compared to our economy as measured by GDP.

This picture right here summarizes, really, for me the very definition of an unsustainable Federal program because as it continues to grow at a rate that is much greater than our economy, it necessarily is consuming an ever greater and greater portion of our economy and our Federal budget. Nothing can grow faster than our economy indefinitely. It is just arithmetic. Eventually, it would become bigger than the economy, which is obviously unsustainable. If that happened, it would cause a fiscal crisis. This is the very essence of what is unsustainable.

You don’t have to take my word for it, and I am certainly not the first person to observe this. We could take the words of Democratic President Bill Clinton, who told us this very thing. Back in 1995, President William Jefferson Clinton said:

“We all now, looking ahead, know that our number one entitlement problem is Medicare and Medicaid. They are growing much more rapidly than the rate of inflation plus population.

Now, President Bill Clinton wasn’t making this point because he is some kind of ideologue who wants to get rid of Medicaid. I don’t think he has ever been accused of that. It is not because he has some passionate ideological commitment to the size of government. I don’t think he has ever been accused of that. I think Bill Clinton was making this point because he knew this program was unsustainable, and he wanted to reform it so it would be sustainable, so our Federal budget would be sustainable, so Medicaid would be there for the next generation. I think that was Bill Clinton’s motivation at the time.

So what was his solution? What was it that Bill Clinton thought we ought to do about this program that was unsustainable?

President Bill Clinton suggested the Federal Government put caps on the Federal contribution to the States based on the number of individuals enrolled. In other words, it was a per beneficiary limit on the Federal contribution. That was what Bill Clinton proposed in 1995. He wanted to maintain the eligibility of individuals to participate in the program, but he wanted to put limits on what the Federal Government’s share would be. He wanted to have it grow at about the rate the economy would grow so you wouldn’t have the wildly accelerating line relative to this modest growth line that would split the two lines would converge, because then, as Bill Clinton knew, the program would be sustainable over time. We would be able to afford it.

One might wonder, what did Congress think of this idea at the time. This is 1995. Bill Clinton came along and said: Let’s establish per beneficiary caps on Medicaid expenditures by the Federal Government, and let’s limit the growth of those caps to about the growth of the economy. That was Bill Clinton’s idea.

Helpfully, the Democrats, who controlled the Senate, decided to weigh in on the matter, and on December 13, 1995, Senator Patty Murray—who serves with us today—submitted a letter to the CONGRESSIONAL RECORD. I am happy to read a version of that letter that she made when she submitted this for the RECORD. The senior Senator from Washington, Patty Murray, said:

Mr. President, I hold in my hand today a letter to President Clinton that is signed by 46 members of the Caucus. This letter urges him to hold firm to our commitment to basic health care for children, pregnant women, and the disabled in this country. This letter supports a per capita cap approach to finding savings in the Medicare program.

It was signed by every single Democratic Senator. They expressed their strong support for the Medicaid per capita cap structure.

I want to be very specific about this because as they developed the particulars, they decided the cap should not apply to an individual’s healthcare spending. They wanted it to be tied to an index which would grow at the rate of the economy overall, and they proposed it would go into effect the very next year. They didn’t want to walk away from a transition. They didn’t want it to be gradual. They wanted it to go into effect the next year. They proposed implementing the changes for the very next fiscal year.

So if you can imagine that some of us are a little bit surprised by the shrill, over-the-top attacks we have been hearing from the other side. We Republicans have been accused of launching a war on Medicaid. We have been accused of draconian cuts. We have been accused of wanting to decimate healthcare for the most vulnerable. We could go on. As you and I both know, all across this country, on this floor, in every form imaginable, our Democratic colleagues have attacked Republicans for the proposal in the BCRA bill we have been considering.

What is really so outrageous about this is, we proposed the Democratic solution. What we proposed was Bill Clinton’s idea, as ratified by every single Democrat serving in the Senate at the time, including several who are still with us today. We proposed that we take Medicaid and restructure it the way the Federal Government reimburses States for their expenses so that we would put caps on the amount the Federal Government would contribute per beneficiary. We would allow the caps to grow, but just as President Clinton and all the Democrats in the Senate suggested, we would make sure that growth eventually converged to the growth of our economy so we would have a sustainable program.

There are two big differences between what the Democrats proposed in the mid-1990s and what many of us have proposed in these last few weeks:

One, we proposed that the change occur more gradually. We suggested that we would implement these
changes, but we do it over time, not suddenly, the way they had proposed it.

The other big difference, I would suggest, is they proposed this structural change to Medicaid before ObamaCare came up, and it’s an unsustainability that would have made the program worse. We are proposing it in the aftermath of that huge problem.

I get our Democratic colleagues have done a 180 reversal. I get they no longer acknowledge that this is unsustainable. I get that they don’t want to do anything about entitlements. I understand all that. You are entitled to change your opinion, you are entitled to decide you want to ignore this issue, but it is a little bit over the top to attack our motives, our integrity, when we are proposing exactly what they themselves proposed just a few years ago under President Clinton.

I wish we could have a substantive discussion about the policy without the character attacks.

Let me get into a little bit more about these changes to Medicaid. As the Presiding Officer very well knows, traditionally, Medicaid was available, from the time the program was created, to four categories of Americans—four categories of people who were of very low income and who were deemed to be unable to purchase healthcare for themselves. Those are the elderly poor, disabled, blind and disabled children, and adults with dependents. So the program set up a partnership with the States—a generous partnership. The Federal Government has always paid a majority of the costs, ranging anywhere in some States from 50 percent up to 85 percent, and then after a short period of time, it would go to 90 percent. Then the Federal Government would pay 90 percent in perpetuity.

Well, there are a few problems with this design. The most fundamental and obvious is the Federal Government couldn’t afford this. We were not on a sustainable path before, and now we have created this whole new liability which can only make it worse and bring a fiscal crisis closer to the present.

The second thing is, when States have no skin in the game, we find out they behave as though they have no skin in the game. When States have to contribute only 10 percent of the cost—think about it. Every dollar a State spends in this category gets matched with nine Federal dollars, nine free dollars(0,0),(997,994). That is a huge incentive to spend a lot, and guess what. That is exactly what they have done. Medicaid spending in this category has ended up being over 50 percent more than what was expected.

So what did the Senate propose in our vision, and not in theirs, we would disallow this coverage, not that we would eliminate this category of eligibility, not that we would throw a single person off Medicaid—we have said, in fact, we will codify the expansion. We will make it permanent. No one loses eligibility, no one gets thrown off.

What we will do is gradually, over 7 years, we will ask States to pay their fair share for this new category—this expansion category, the able-bodied adults with no dependents. We will ask the States to pay the same amount for these folks that they pay for the traditional four categories of eligibility. That is the first category.

The second reform we proposed is this. I alluded to it, the Bill Clinton-Democratic Senate proposal of establishing per beneficiary caps. That was in our legislation. What the underlying Senate bill did was allow the spending to grow very rapidly on those caps for the first several years. Eight years did we ask that the growth rate slow down slightly so we would have a reasonable chance so the growth in the program would be about the same as the economy. That is what we proposed. That is what we want to do with the ACA—what we have been hearing about—all of these draconian cuts.

Let’s get to the discussion about these cuts. We have another chart that illustrates this because it has been a favorite theme for some of my colleagues on the other side to talk about all of these cuts.

If you look at the CBO score—again, this is the Senate BCRA, the legislation on which we didn’t get enough time to talk to pass, but I hope we will revisit it—the largest of the so-called cuts in Medicaid spending comes from CBO’s assumption that if you repeal the individual mandate—the statute that says you must buy insurance, you must have insurance—millions of people on Medicaid, millions of people who did get free health insurance, will decide: Oh, I don’t want free health insurance anymore. If I am not being forced to buy it, I am not going to take free healthcare. Why would I do that?

I don’t know what that is a little counterintuitive to me. To my friend from Oregon who is attacking the so-called skinny bill, 100 percent of the so-called Medicaid cuts in that bill come from exactly this source. The assumption is that, if people are not forced by the government to have insurance, they will not want Medicaid. You can decide how much credibility you want to put in that assumption. It strikes me as ridiculous, but that is the truth. That is the reality of the so-called CBO cuts in Medicaid.

In the BCRA, that was only the lion’s share of the so-called cuts. Another category of so-called cuts to Medicaid in the CBO analysis of the BCRA are their assumptions about expansion. They decide that under current law, if nothing else happens, a whole lot of States will choose to become Medicaid expansion States.

They haven’t made that choice yet. They can’t point to which ones. It is a political decision in the various States. They don’t know who is going to be leading those States. They have no idea about how that would happen, but yet they predict States that have chosen thus far not to be Medicaid expansion States would adopt the expansion under current law. If we passed the law that was proposed earlier, those States would not make that decision. Furthermore, some States that have expanded will rescind the decision to expand.

Any honest person, including the folks at the CBO, have to acknowledge that this is entirely speculative. They could make a single and ex- pand under the current law but hasn’t yet. They can’t name a single State that would rescind its expansion having already done so. They are just speculating about that could happen.

That, my friends, is the lion’s share of the CBO’s headline numbers about all these cuts in Medicaid.

Let me go to chart 5. Despite that, even if you accept the CBO’s unbelievable assumptions that people only participate in Medicaid if they are forced to and that these mysterious States will expand and others will not—these are the draconian cuts—each and every one under the BCRA depend on Medicaid grows. It grows every year—every single year. It is only in Washington that spending can increase every year, and it is a draconian cut.

No, the truth of the matter is that what we do under that legislation is that we slow down the rate of growth. We slow the rate at which the program grows to a rate that is sustainable, so that this program is viable, so that we are diminishing the certainty of a fiscal crisis. That is what we do under that legislation.

If somebody has a better idea for how we put Medicaid on a sustainable path, I am all ears. I would love to hear it. In the 1990s, our Democratic colleagues proposed exactly what we are proposing now. That was a very constructive idea. Unfortunately, there wasn’t a consensus to do it, and that is a shame.

I urge my Democratic colleagues to go back to their notes, to go back to the discussion, to go back to the arguments they were making together with President Bill Clinton on the floor of this Senate and around the country about Medicaid, because we are making the same arguments now. You would think we might be able to find some common ground.

The fact is that Medicaid is a very important program. The most vulnerable Americans depend on Medicaid to a very significant degree. The fact is that, in its current form, it is unsustainable. Our Democratic colleagues in the past used to recognize...
this. They used to acknowledge this, and they used to want to do something about it. I urge them to return to that attitude so that we can work together and get something done.

The sooner we act on this, the sooner we can have gradual, sensible, thoughtful reform in the places that are sustainable and allow our States to plan for these changes and allow for a transition. If we wait too long, the fiscal crisis that will hit us will force sudden and draconian changes.

We are not going to vote on this provision today. This was embedded in the BCRA. That is behind us this week, but it is my hope that we will pass a version of ObamaCare repeal that will enable us to go to conference and that we will be able to begin to repair the enormous damage to the individual markets that ObamaCare has done, that we will be able to stabilize them, that we will be able to move in the direction of consumers actually having control of their own healthcare once again, and that we will put Medicaid on a sustainable path, because the time is overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon?

Mr. WYDEN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. WYDEN. Mr. President, I will be very brief.

To respond to my friend from Pennsylvania, No. 1, none of what he has discussed has come up in the Senate Finance Committee. What I can tell you about past debates is that our side was always interested in reform-minded ideas, for example, bringing the private sector into the delivery system of Medicaid. That is No. 1. No. 2, we still have not seen the skinny bill.

I said earlier: Who knows what happened in the Republican Senate lunch between one course and another. We would like to see the skinny bill. I think, once again, we have heard from the other side that they disagree with the umpire. They disagree with the impertinent CBO, and I think that is unfortunate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 17 minutes.

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

Mr. GRASSLEY. It is my understanding that if the managers need time to break into my speech, I will be glad to accommodate that.

I rise today to inject a dose of badly needed reality into this very important debate. Healthcare is a profoundly personal issue that matters to every single American. In fact, every single Senator ought to agree on this point. Healthcare hits home for each and every constituent we represent from our home States. From standard wellness checks to lifesaving cancer treatments, each of us wants the best, most effective and affordable medical care for the people we love and for ourselves.

As policymakers, it is our job to solve problems. It goes without saying that healthcare is a big problem right now. Access to affordable healthcare is out of reach for millions of Americans. That is despite the promises made over and over. Remember that ObamaCare was rammed through on a last-ditch Christmas vote.

Look at what that got us. Health insurance markets are collapsing around the country. Since 2013, the average premium increase on the individual market has jumped 165 percent.

Remember when President Obama promised affordable healthcare for all? He promised we could keep our doctor. He promised that Americans could keep their healthcare plan, and he promised all Americans that their premiums would go down by $2,500. marketplace everywhere. We all know ObamaCare did not uphold these promises. Instead, we got higher taxes, costly penalties, double-digit premium increases, unaffordable copays, job-crushing and wage-crushing employers, and thicket of Federal regulations.

Now ObamaCare is collapsing. No one on the other side of the aisle has made an attempt to legislate remedies to the law despite its grave condition.

At this point, 600,000 Iowans in my home State are gripped with uncertainty. Two insurance carriers have dropped out of the exchanges, leaving only one to offer individual plans starting in January. The policies offered by that insurance company will go up by over 40 percent next year, on top of huge increases this year, making it still unaffordable.

ObamaCare is unsustainable, unaffordable, and unacceptable. This brings me to the reality check that I mentioned when I started. As I listen to some of my colleagues on the other side of the aisle, I am, frankly, astounded that they can deliver their talking points with a straight face.

They would like the American people to believe that Republicans are dead set on ripping healthcare away from children, the elderly, and the disabled. Despite their red hot rhetoric, we have neither horns nor tails, but we are dead set on getting out the devilish details to get to yes.

Democrats' hyperbole and fearmongering are standing in the way of getting the job done for the American people. Fear is easy to achieve. Legislating in good faith is hard work. ObamaCare proponents would rather disparage than engage. They would rather obstruct a path forward than construct a path forward. They are standing in the way of solving problems.

In the process, they are scaring the living daylights out of some working Americans who aren't able to stretch their paychecks to afford health insurance for their families. If there is one job the defenders of the big government have mastered, it is the role of Chicken Little. They squawk, cluck, and crow at every opportunity to grow the size, scope, and reach of government into our daily lives. To their way of thinking, ObamaCare was a step toward singling out those in poverty, the toll it takes on the U.S. economy, or the loss of personal freedom.

Their message is dead wrong. Our reform efforts are not making the sky fall. The Democrats' rhetoric reminds me of a similar situation. The debate 20-some years ago was to reform welfare by reining in runaway Federal spending and increasing the independence of individuals. Just like now, that debate was full of dire predictions.

Some of my colleagues will remember the late Daniel Moynihan of New York, then-chairman of the Senate Finance Committee. He strongly opposed efforts to reform the welfare system. He predicted that the bipartisan proposals would result in an apocalypse and said, "In 10 years' time, we find children sleeping on grates, picked up in the morning frozen, and ask, why are they here, scavenging, awlful to themselves, awful to one another, when anyone remember how it will have begun on the House floor this spring and the Senate chamber this autumn."

That is the end of the quote from Senator Moynihan 20 years ago. The facts will show that welfare reform was, in fact, not "legislative child abuse," as the former Senator of Massachusetts Ted Kennedy predicted. Quite the contrary.

In the two decades since historic, bipartisan welfare reform was enacted, riotous shatters the doomsday prophesies of 20 years ago. The reality is that the number of African-American children living in poverty has fallen to the lowest level in history. The problem still exists and deserves our attention, of course, but 1.5 million fewer children are in poverty today, and 3.4 million more families are independent from assistance.

At the time of welfare reform, the Chicken Littles forecasted homelessness, poverty, and despair. Senator Moynihan also said that requiring welfare recipients to work and limiting the length of time that they could collect benefits added up to "the most brutal act of social policy since Reconstruction. Those involved will take this disgrace to their graves."

With all due respect to the memories of my former colleagues, their rhetoric simply does not square with reality. The 1996 welfare reform law lifted millions out of generational poverty, replacing lifelong impoverishment and the risk of deaths before children’s livelihoods restored with hope and opportunity. These facts separate Democratic rhetoric from reality.
In the absence of a credible reason to continue with ObamaCare’s failure, the only defense tactic left to the Democrats is fear. In a vein similar to that of her predecessor from New York, former Senator and Democratic Presidential nominee Hillary Clinton said: “If Republicans pass this bill, they’re the death party.”

In another vein similar to her predecessor, another Senator from Massachusetts said that “I’ve read the Republican ‘health care’ bill. This is blood money. They’re paying for tax cuts with American lives.”

They are not alone in their obstructionism. The minority leader has said that Republican-led efforts to reform ObamaCare are “heartless. It is a wolf in sheep’s clothing. It brings shame on the body of the Senate.”

Another Democrat chimed in that the Senate bill is “downright diabolical” and would be “one of the blackest marks on our national history.”

Still, it doesn’t seem his constituents are “scared for their children, they are scared for their spouses, they are scared for their aging parents. . . . And . . . scared . . . for their own health care well-being.”

Another one chimed in that “our emergency rooms would be overwhelmed. They would be unable to deal with the scope of that kind of humanitarian need.”

Now, amazingly, the law’s champion-in-chief, President Obama, has fueled the fear factor, saying that the Republican efforts to reform the healthcare law would put pregnant mothers, addicts, children with disabilities, and poor adults in harm’s way.

Such overheated rhetoric shows Democrats have abandoned rhyme, reason, and reality. Too often, the arguments from the other side are based on what Medicare was supposed to do, not what it actually did, which fell far short of what the experts predicted. Defenders of ObamaCare are relying on a phantom rather than the reality of the law.

Democrats are refusing to work with us toward a better solution that truly works. After years of neglecting con-sequential problems with a partisan-passed law now on the books, they say that they have a better deal. Let me tell you, thousands of Iowan families and small business owners have contacted me with their personal stories of hardships. To them, ObamaCare has been nothing but a raw deal, rather than a better deal. What good is having insurance, they say, if it is too expensive to use?

After more than 7 years of ObamaCare, the chickens have come home to roost. And in less than 10 years, look what happens when government gets in the way of the free market and consumer choice. Well, it is obvious: higher premiums, bigger copays, fewer choices, less freedom. Health insurance that costs too much to use is just not working for hard-working American families.

I will end my speech today with an appeal from an Iowaan from Avoca, IA. She has contacted me many times about the hardships her family has experienced since ObamaCare was enacted. She pays more than $25,000 a year to insurance on the individual market. If that sounds like chicken feed to some of ObamaCare’s defenders, I urge you with all sincerity to get your heads out of the clouds and join us to fix this flawed law. Republicans can and should work together for the greater good of the country.

It is said that when there is a will, there is a way. Many of us recognize that ObamaCare isn’t working as promised. We do not want to pass an individual marketplace that would allow insurers to work together for the greater good of the country.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I need, up to the limit that we have. This week, we have been debating why it is so urgent for Congress to act on rescuing Americans from the collapsing ObamaCare healthcare law.

We have heard from our colleagues across the aisle, questioning our motives and our actions. Congress literally has millions upon millions of reasons to replace and repeal this law.

Hard-working American families are begging us to provide them with some relief. These are families who are forced to purchase high-deductible coverage insurance and are facing thousands of dollars of out-of-pocket costs before their coverage even begins. For them, the status quo—doing nothing—is not an option.

For Senate Republicans, rescuing the American people from this law is our only option. But the defenders of this law have been unwilling to admit—that ObamaCare is not affordable insurance and has been a crisis-inducing failure. This is why Republicans are working to fix the damage.

Insurance markets are collapsing, premiums are soaring, and healthcare choices are disappearing.

Americans expect the Congress and the President to address the problem. With ObamaCare getting worse by the day, the time to act is now. Just look at my home State of Wyoming, which is down to one insurer in the individual market, both on and off the exchange. This should be treated as the national scandal it is.

Some on the other side of the aisle like to focus on how many people are insured under the law, but let’s look at how many are not insured. Almost 28 million Americans remain without insurance under ObamaCare because they cannot afford insurance or no longer have access to ObamaCare’s collapsing markets in their State or county. But coverage numbers can be misleading because, even with ainsurance, many hard-working families still cannot afford the care due to surging deductibles. Insurance with sky-high deductibles is coverage in name only.

When it comes to Medicaid coverage, what most news stories will not tell you is that the newly insured gained coverage only through a flawed Medicaid Program that is providing inferior quality and threatening to bankrupt States across the Nation.

The Democratic leader, NANCY PELOSI, famously said that Congress would have to pass the bill to find out what’s in it. Well, Americans soon discovered that President Obama and congressional Democrats focused almost exclusively on coverage numbers boosted by government mandates handed down from Washington, instead of true healthcare reforms that might have actually provided affordable care. Obama’s alleged coverage numbers are only on paper. Coverage was their sacred cow, worshipped...
above all others, because for President Obama, NANCY PELOSI, and Harry Reid, coverage equaled healthcare.

Large coverage numbers touted by the Obama administration and congressional Democrats have proved to have the bottom line of a pet rock. Do you remember the pet rock? Millions of people purchased a rock. It was very nicely packaged in a box. They would bring it home and open it up and find a rock. Pet or not, it served no purpose other than to sit on a pet rock.

This is essentially how ObamaCare has worked, except people were forced to purchase this marketing gimmick. Americans have purchased insurance through ObamaCare exchanges with the promise of accessible coverage. What they actually received, however, is coverage in name only. It serves no healthcare purpose, and it doesn’t work—merely packaging a pet rock, if you will—and millions of Americans soon found out. The high cost of insurance and the premiums they forced people to pay made it nearly impossible for them to pay for the coverage they signed up for, or if they could afford coverage, they realized the care they were paying for came with sky-high deductibles.

Congressional Democrats and President Obama focused almost exclusively on the numbers of people now enrolled in ObamaCare and relentlessly highlighted this information, which showed this law was used mainly for public relations purposes at a large cost, as opposed to an actual policy accomplishment. Instead, the reality is that Americans who were able to get insurance were often plagued with inadequate coverage, joined with enormous out-of-pocket costs. Senators from across the country this week have been sharing stories about families in their States who have had to forgo medical care, not because they don’t have insurance but because it was simply too expensive to go to the doctor under the ObamaCare health plan.

For years, Republicans have pledged to repeal this disastrous law, and this week we are working to address the broken promises of ObamaCare to help ensure better care for each and every American. We are doing this by working to stabilize collapsing insurance markets that have left millions of Americans with no options, which will help improve the affordability of health insurance and therefore healthcare. Our goal is to preserve access to care for Americans with pre-existing conditions and to safeguard Medicaid for those who need it most by giving States more flexibility, while ensuring that those who rely on this program don’t have the rug pulled out from under them. Most importantly, Republicans hope to free the American people from onerous ObamaCare mandates that require them to purchase insurance they don’t want or can’t afford.

The President and Republicans in Congress last fall promised to rescue the millions of American families suffering under ObamaCare, which is what this bill will do.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, may I inquire, what is the remaining Republican time?

The PRESIDING OFFICER. Three minutes.

Mr. BLUNT. Mr. President, the major time is 3 minutes?

The PRESIDING OFFICER. Yes.

Mr. BLUNT. Senator STRANGE is coming, and I will take my time later.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. This, Mr. President, we have loaned time before to the other side of the aisle. If they would loan us some time so that the person propounding this amendment could have a moment to explain his amendment—they have agreed. So I yield time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. STRANGE. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

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

Mr. STRANGE. Thank you.

AMENDMENT NO. 389

Mr. President, I rise today in support of an amendment that will relieve millions of America’s from a moral conflict. For too many, access to healthcare coverage comes only with the restriction of deeply held personal convictions about the sanctity of human life.

The amendment before us offers the opportunity to end the flow of taxpayer dollars to abortion procedures once and for all. It allows Hyde protections to be extended to all funds appropriated through the healthcare legislation we are considering today.

Let me provide some context. Premium tax credits implemented under ObamaCare currently provide over $8.7 billion in annual subsidies for nearly 1,000 different insurance plans that cover elective abortion on the State exchanges. This provision stands in violation of the fundamental principle of the Hyde amendment and the long-held understanding that the U.S. Government has no role in funding abortions.

In recent weeks, the Senate has debated countless nuances of healthcare policy, and we have taken several crucial votes on efforts to rescue the American people from a failed social experiment, bringing us to this moment. Under our current procedural circumstances, in order to ensure that both the spirit and the letter of the Hyde amendment’s provision against taxpayer-funded abortion is upheld, we need a new solution.

My amendment would establish a matching arrangement between stability funds and premium tax credits, delivering an arrangement that complies with the Byrd rule. Starting in 2019, the value of premium tax credits that continue to subsidize elective abortions would drop to 10 percent, with the remaining 90 percent being made available as Hyde-protected monthly payments to insurers to benefit the same people who relied on those tax credits.

Let me be clear. This amendment does not reduce the amount of tax credit dollars available to low-income Americans. It does not result in their losing coverage. It certainly does not create or expand an entitlement program.

When hard-working Americans pay their taxes, they do so with the understanding that the rights granted to them by the Constitution are not checked at the door. For the people of my State, the right to life is foremost among these, codified by the Hyde amendment and engrained in the conscience of a majority of Americans. The amendment before us allows for a clear conscience. It allows for a conscience-conservative solution to a problem that has dogged this Chamber for the 44 years since Roe v. Wade changed the landscape of American society.

On behalf of the unborn and the conscience rights millions of Americans, I am proud to offer this amendment, and I urge my colleagues to join me in this effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUNT). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. STRANGE. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions, for purposes of amendment No. 389 and if adopted, for the provisions of the amendment included in any subsequent amendment to H.R. 1628 and any amendment between Houses or conference report thereon, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Role call Vote No. 174 Leg.]

YEAS—50

Alexander  Barrasso  Coburn  Ernst

Bennet  Corker  Corzine  Fischer

Boozman  Cotton  Grassley  Graham

Burr  Crapo  Gardner  Graham

Capito  Cruz  Grassley

Cassidy  Daines  Grassley

Alexander  Connors  Kuni

Barrasso  Corzine  Ernst

Boozman  Cotton  Flake

Burr  Crapo  Gardner

Capito  Cruz  Grassley
The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50.

The PRESIDENT proclaims the vote of the Senate, and this measure is passed.

The PRESIDING OFFICER. The PRESIDENT marks the time and the vote, and the clerk will report.

The PRESIDING OFFICER. The PRESIDING OFFICER. The PRESIDENT proclaims the vote of the Senate, and this measure is passed.
legislation, which is the product of months of bipartisan effort in this body.

At a time when it is difficult to get things done in this far-too-partisan Senate, this effort proves it is still possible for Congress to come together and accomplish big things. This bill provides for a range of tough new sanctions against Iran, Russia, and North Korea.

The Ukrainian community in my State saw firsthand the dangers of decades of unchecked Russian aggression. Congress must act to punish Russia for its continued actions in Ukraine, in East Ukraine, in Crimea, and for its interference in our Presidential election and to deter future such aggression.

This bill will prevent President Trump from relaxing sanctions on Russia without congressional review. We are all concerned about that.

Iran is one of the world’s leading state sponsors of terrorism and a continuing source of instability throughout the region. This bill is carefully written to avoid violating U.S. commitments under the Iran nuclear agreement, and it applies new sanctions in response to Iran’s support for terrorism, its human rights abuses, and its ballistic missile program.

It also incorporates sanctions on North Korea, including measures to toughen enforcement of current U.N. Security Council rules, North Korea’s efforts to develop nuclear capabilities must be countered. We must take a stand against its horrendous human rights record, including the savage treatment of Otto Warmbier that led to his death.

These are important steps. More can be done to address the situation in North Korea.

I thank my staff, Colin McGinnis, Mark Powden, and Graham Steele on this. I am proud of the work of the staff in all four of these offices on Banking and Foreign Relations, and I ask my colleagues to concur.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak on leader time.

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

Mr. SCHUMER. Mr. President, last year, we knew the United States was victim of an attack by a foreign power on the very foundation of this dear democracy—the right of the people to a free and fair election.

The consensus view of 17 agencies is that Mr. Putin interfered in the 2016 election. For that alone, the United States has more than just cause to sanction President Putin and the intelligence apparatus he directs. To date, Mr. Putin and his allies have not suffered serious repercussions for this stunning violation of our right as a sovereign nation not to have our elections disturbed by a foreign capital. That all changes today.

Congress has drafted this sanctions bill to hold Mr. Putin accountable for his actions and to send a message to him and the rest of the world that any further attempts to degrade our democracy will meet further sanctions and action. We will not stand by idly as this is done.

There is no process more sacred in a democracy than the guarantee of free and fair elections. That fundamental right was attacked by Mr. Putin. With this vote, we will officially condemn and forcefully respond to that attack on our country. Let us send this bill to the President’s desk for his signature.

We still don’t know if President Trump will sign this legislation. I say to my colleagues: If the Congress speaks loudly enough and strongly enough and we send this bill with a veto-proof majority, it will not matter what President Trump decides.

Before I yield the floor, I wish to thank my colleagues. At the top of the list are Senators McCain and Graham, who early on had the idea to do this. Their strength against transgressions against this country is wonderful.

I thank the chairman of the Foreign Relations Committee. He had to pursue this legislation through ups and downs. He didn’t relent, and here we are today because of his efforts.

I thank his ranking member, Senator Cardin. They are a great bipartisan team.

Similarly, Chairman Grassley and Ranking Member Brown again, in a bipartisan way, not letting partisan politics get in the way—they passed this legislation.

I would like to thank leader McConnell because when he and I talked about bringing this legislation to the floor, he didn’t blink. He didn’t hesitate. He was forthright and said: Let’s do it.

This piece of legislation proves that when this body works the way it should, when both parties talk to each other, work together, and the committee chairmen and ranking members negotiate legislation through proper procedure, we can produce good, strong bipartisan legislation.

I would be remiss if I didn’t mention, in this moment of bipartisan, the same thing could happen with healthcare.

With that, I urge all of my colleagues to vote yes.

I yield the floor.

Mr. CORKER. I thank the minority leader for his comments, and I yield a moment to Senator Grassley, who played an outstanding role as the leader of our committee.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank Senator Corker. Mr. President, I thank, too, all those who were mentioned: the Foreign Relations leadership, Senator Corker and Senator McCain; Senator Brown, my colleague in the Banking Committee; and all the others who have been so involved in this issue.

This is one of the examples of how we can work together in a bipartisan fashion to craft critical legislation for protecting and strengthening America. Frankly, it is past time for us to stand strong as a nation in response to the increasing aggression that we see in all parts of the world, whether it be in Ukraine, in Crimea, in Syria, in facilitating corruption globally, or in the cyber security attacks we have seen in recent years.

At a time when it is difficult to get things done, this bipartisan legislation is an example of what we can do when both sides talk to each other, work together, and the committee chairmen and ranking members negotiate legislation through proper procedure, we can produce good, strong bipartisan legislation.

With that, I yield back.

Mr. MENENDEZ. Mr. President, let me thank the ranking member for his kind comments. I thank the chairman for his continuous engagement in this regard and his leadership.

I remind my colleagues that what gave us the vehicle to consider Russia and North Korea was the countering Iran Act that I was pleased to author with the chairman and with the ranking member and other colleagues in a bipartisan approach.

When we started on Iran, there were those who wanted to look only at its intercontinental ballistic missile violations. I and others persisted and said: Wait a minute. Iran is far more nefarious in its activities—beyond intercontinental ballistic missiles.

It is collective leadership that brought us to a much broader bill that we are about to vote on today, where Iran is being pursued for the violation of its international duties, and for its assistance to Hezbollah, the Prime Minister of Lebanon here, and he was saying to us: If you are concerned about Hezbollah, then find where the source of the
money is. The source of money for Hezbollah is Iran. If you are concerned about intercontinental ballistic missiles, I would add, it is Iran. If you are concerned about the greatest exporter of terrorism, it is Iran. If you are concerned about human rights violations with anyone in this leadership of Iran.

This is about sending a message to Iran that, in fact, when you violate the international order, there are consequences to it. It is about sending a message to Russia that when you violate the international order, annex Crimea, invade Ukraine, indiscriminately bomb civilians in Syria—and then when you try to affect the elections of the United States of America, you have a cyber attack, from my view, on the election process.

We can debate whether it affected the election. That is not the issue. The mere fact that Russia tried to affect our elections should be upsetting from the average citizen to the President of the United States. We have an opportunity to make very clear to Russia and to any other nation that this will not be tolerated.

Finally, to North Korea: North Korea’s dangerous provocations in its path to nuclear weapons and a delivery system to be able to deliver those nuclear weapons are some of the greatest challenges we have.

We have an opportunity to come here today and say: You have to observe the international order. We have to go back to the basis of the rules that ultimately came about after our leadership in World War II to preserve the international order that has brought us peace and prosperity.

There are only a handful of peaceful diplomacy tools you can pursue. One of them is the use of sanctions in order to try to prod countries to move in a certain direction and to observe the international order. That is our opportunity today with Iran, with Russia, with North Korea. I hope we will seize it unambiguously because when we do that, we send the most powerful message in the world that the United States—Democrats, Republicans, Independents—stand together in terms of defending the national interests and security of the United States.

I yield the floor.

Mr. CORKER. I thank the Senator from New Jersey for his outstanding leadership on Iran and his leadership on Russia and North Korea. He has led us for years and years in sanctioning Iran and has brought them to the table. I thank him for that.

For those who are here and want to vote, I am going to yield 1 minute to Senator GARDNER. I am going to speak for about a minute and a half, and to my knowledge, we will be ready to vote. I thank all of my colleagues for their patience.

Senator GARDNER.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I thank Senator MENENDEZ. I appreciate the opportunity to talk about what this Senate and Congress has done. Last Congress, we passed unanimously the North Korea Sanctions and Policy Enhancement Act.

This legislation that we are about to vote on breaks a success we started with last year. We have more work to do to stop the crazed Kim regime.

I thank the chairman and the leader for committing to further conversations on North Korea action that needs to be taken because we know that, in China, there are over 5,000 businesses still doing business with North Korea. China is responsible for 90 percent of the North Korean economy. Now, 10 of those 5,000 businesses are responsible for 30 percent of the economic activity, the imports from North Korea into China. More work has to be done to stop this madman in Pyongyang.

I thank this committee for moving forward on legislation today to build on the success we had last year. I urge its passage. We have more work to do to put an end to this regime.

Mr. CORKER. Then the Senator for his leadership on North Korea, and I thank him for speaking.

Mr. President, I will be very brief, as I normally am. This bill has taken passion, tenacity, and all of us working together to bring out the best in this body and to get to this point where we are today. I want to thank everybody who has been involved.

Senator CARDIN has been an outstanding ranking member. As always, we worked together as did we today on another markup, to get to where we are. We have Senators CRAPO and BROWN. I think there were about four committees working to get this piece of legislation out. It was an incredible effort working around the clock for days and nights. I want to thank them for their leadership.

I want to thank Senator MENENDEZ, again, for his involvement, in particular on Iran, but on all of these issues.

Certainly, thanks go to Senators McCAIN and GRAHAM for their tremendous leadership in beginning the process, especially on Russia. Thank you so much.

Thank you, Senator SCHUMER and Senator MCCONNELL, for giving us the freedom to operate under regular order, the freedom to operate in the committee, which I know all of us long to get to on all issues that we deal with here, and thank you all of those Members who have been so involved. Our staffs have been incredible. Thank you so much for the professionalism, the knowledge, the energy, and the willingness to work late hours to make this happen.

The attributes of this legislation have been discussed. I think we all are ready for this moment. We are all ready to build on what Russia has done to our country and to others, to speak to what Iran is doing outside of the nuclear agreement, and to speak to what North Korea continues to do.

One attribute that hasn’t been spoken to is this: It has been my goal as chairman, working with the ranking member, that Congress continue to be more and more relevant and to garner back the powers that we have given to the executive branch for decades. One of the most important attributes of this legislation is the congressional review, where, when major decisions are made, Congress is involved; Congress has a say. I hope we will build upon that, not only in foreign policy but in other matters.

I want to thank all involved. I urge a strong vote on this piece of legislation that sends a strong message to Iran, to Russia, and to North Korea. With that, I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 98, nays 2, as follows:

[Vote Call No. 175 Leg.]

YES—98

Alexander
Baldwin
Barrasso
BenNET
Bingaman
Burr
Boozman
Brown
Burr
Capito
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Coons
Corker
Cromer
Cortez Masto
Cotton
Crab
Crus
Daines
Daines
Duckworth
Durbin
Enzi
Ernst
Femenstein
Fischler
Fischer
Feinstein
Enzi
Duckworth
Cruz
Cotton
Crus
Daines
Daines
Duckworth
Durbin
Enzi
Ernst
Femenstein
Fischler

NAY—2

Paul Sanders

The bill (H. R. 3364) was passed.

AMERICAN HEALTH CARE ACT OF 2017—Continued

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

AMENDMENT NO. 502 TO AMENDMENT NO. 367

Mr. ENZI. Mr. President, I call up amendment No. 502, the Heller amendment.
I think a time or two maybe even more
most none of them worked. States
States tried to operate exchanges, al-
ten the total disaster of the exchange.
member that? We have almost forgot-
lies and individuals have been hurt by
gives the government the authority to
you have to do.
the Federal Government tells you that
day. It was a penalty you pay if you de-
dously thought it was a tax after that
was upheld.
think it must be a tax, and that 5-to-4
ment decide, well, even though we set
federal Government could tell somebody
in Federal law. The idea that the Fed-
certainly, the individual mandate but
mandate and the employee mandate—
Affordable Care Act, the individual
about the two mandates in the original
ator from Missouri.
Mr. BLUNT. Mr. President, we are
talking today, obviously, as we move
into the final hours of this debate,
the official legislative record
unintended consequences of the employer mandate. Too many people have two 26-hour jobs now who need a 40-hour job with good benefits instead of two 26-hour jobs with no benefits.

More choices and the kind of access to healthcare people need is where it ought to be focused, a solution that provides healthcare and not just coverage. It is great to have insurance coverage. It is great to have even a government insurance coverage like Medicaid, unless no doctor wants to take Medicaid patients or if your insurance coverage deductible is so high. The averages on the bronze plan is $6,000 per individual, $12,000 per family. If your deductible is so high you can’t go to the doctor, you don’t have the kind of access to healthcare you need. You only have access to catastrophic sickness care. This system needs to change, and I believe one of the fundamental flaws in the system from day one was the government believing that people purchase a product that didn’t meet their needs and didn’t meet what their family could afford to do.

I am glad we are having this debate. I yield the floor.

The PRESIDENT pro tempore of the Senate from Oklahoma. Mr. LANKFORD. Mr. President, I would like to tell my colleagues a couple of stories. We are going to talk about what is happening in healthcare right now. This is about the healthcare that is happening here in this room in the debate that is ongoing that started months ago, continuing to try to figure out the solutions to what we face with the Affordable Care Act. Then there are the healthcare issues happening at home.

Sometimes we get caught up in this conversation and think this is what the center of the healthcare conversation is about. It is not. The center of the healthcare conversation in America is around dinner tables. Let me tell my colleagues what that conversation sounds like.

This comes from one of my constituents who just wrote to me. He said:

“My premium increases from $1,308 per month to $2,489 per month. This is for just around dinner tables. Let me tell my colleagues what that conversation sounds like.

This comes from one of my constituents who just wrote to me. He said:

“My premium increases from $1,308 per month to $2,489 per month. This is for just $1,308 per month to $2,489 per month. This is for just

My colleagues, eight families and lives and children. These are individuals who have cancer and diabetes and a history of genetic diseases in their families, and they are very concerned about what happens politically in this room because it affects their family and their lives. Congress needs to act on this. What is happening right now with the status quo is untenable for families all across the country. Insurance carriers have left the market. Rates have gone up dramatically. We have fewer choices and more control but less control for families.

What does that look like in my State? Well, in my State, premiums went up last year 76 percent—last year—a 1-year increase. I have folks all the time who say to me that their great complaint is about the rising cost of college tuition. Let me give my colleagues a glimpse.

College tuition has increased 76 percent in 15 years. Insurance in my State went up 76 percent in one year, in one year. ObamaCare took its time in fully rolled out in 2013 until now, insurance in my State has gone up 201 percent. That is not the Affordable Care Act; that is a recipe to be able to push people out of insurance and keep them out.

ObamaCare was designed to force healthy people to buy insurance to increase the risk pools for those insurance companies. But when you can’t afford the premiums, you are forced to lose the insurance. Who is paying the tax? Originally, ObamaCare said: Well, people who didn’t buy into the insurance who want to just take the risk on their own, these wealthy individuals, they would have to pay the extra tax. Really? What did that end up looking like? Again, coming back to my State, 96,000 Oklahomans are currently paying the tax to the IRS because they don’t have healthcare insurance. Who are they? Eighty-one percent of these people who pay the penalty make less than $50,000 a year. These are individuals who cannot afford the insurance, and they also can’t afford the fine that is coming from the IRS. It is a poverty tax that the Affordable Care Act created to try to force these people into insurance they cannot afford, and when they can’t afford that, they get a big hit on their taxes as well. It is literally a no-win situation for them.

One of the parts of the Affordable Care Act was to provide affordable coverage. It was to be able to help people get into insurance. It was to be able to help improve the safety net. Those are not irrational goals. Those are good goals, but the execution of it was terrible, and the implementation has caused more problems than it has solved.

In my State, many physicians in rural areas used to be independent. Now they have all been forced into being for big hospitals because they can’t afford the compliance costs to keep their office moving anymore. So independent doctors and independent clinics are now part of big conglomerate hospital companies. I am glad they are there, or we would have no access to care at all.

My State used to have four insurance carriers in the State. Now it has one, and one is doing this. I hear all the time people who are mad at Republicans saying: Why haven’t you solved this yet? Quite frankly, this is an incredibly difficult issue. But I also want to be able to respond to people: Don’t gripe at the firefighters fighting the wildfire. They didn’t start it. We are trying to put it out. Yes, I know the fire line is big, and, yes, I know it is difficult to put it out, but we are doing our best to resolve a fire we did not start. We will resolve this.

So what is happening right now with our trying to resolve it? What are we trying to accomplish? We are trying to do several specific things dealing with the Affordable Care Act. This is not about a Republican versus Democrat argument in healthcare. There are, quite frankly, lots of issues on which we have bipartisan agreement that we should work on in the days ahead, things like prescription drugs and so many other things we can do to help bring down the cost of healthcare itself, but in the meantime, we do have a dispute.

Our Democratic colleagues have said to us that they want to be able to cooperate with us on healthcare, but the synchronous is: How do we keep the individual mandate—that tax penalty on people in my State for people who make $50,000 or less to pay this giant tax; they want to keep that. They want to keep the employer mandate, which is dramatically driving up the cost of insurance for employers and decreasing wages. The initial estimates are that people in my State are making about $2,500 a year less now than they would be because of the employer mandate. Those are the things hurt people at home.

So here is what we are trying to do. This is a budget bill. It is called reconciliation. We are limited to only budget-related items to be able to deal with. So we are working on some of the basics of what needs to be repealed in the Affordable Care Act. We do want to get rid of the individual mandate. We do want to get rid of the employer mandate. We do want to get rid of the employer mandate.

We do want to deal with how we can take control of healthcare out of Washington, DC, and get it back to the States, where it used to be. Prices are much cheaper when there is local control on healthcare than when there is Federal, centralized control.

We would also like to find a way to get some of the bureaucracy out of the States, where it used to be. Prices are much cheaper when there is local control on healthcare than when there is Federal, centralized control.

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pays an insurance company bureaucracy, and then it pays a hospital bureaucracy, there is not much of that dollar left to finally get to patient care at the end. If we can take out one of those bureaucracies, we can actually get more dollars to patients rather than people just feeding the bureaucracy of another layer.

We are simply trying to deal with the mandates that are there, who actually makes the healthcare decisions for regulations and policy, whether it is the State or the Federal Government, how we are going to balance out coverage for individuals who desperately need it in the safety net.

I have heard a lot of folks talking about CBO scores. I will tell you, I am in the middle, and I am very frustrated with CBO right now. Every policy we want to float to say this is something we think will be very effective to be able to help people in the safety net or to be able to help people purchase insurance. CBO responds back to us. That sounds like an interesting idea; it will take us about 4 weeks to study it. When we are in the legislative process, when we are doing amendments, we can’t wait 4 weeks between each amendment. We have to be able to get answers from them.

So we are stuck in this spot, so our resolution is—we have a House version that has been scored, and we have a Senate version. We have a lot of changes we want to make, even to our latest version. The best answer we have while we wait on CBO scoring—another month to get us an answer—is to be able to get an interim bill, get into a conference between the House and the Senate, allow CBO the month that they need to score this, and for us to be able to pass a better bill in September. So that is where we are stuck right now.

This is not a final bill that is coming out. This is still an interim process that we need to be able to keep this process moving because there are people at home who are counting on this actually getting better for them in the future. Their words to me are: This cannot get worse, because I can’t afford what we currently have, and I can’t afford that access I have been given to healthcare.

In the middle of all of this debate, a lot of people on the outside look at it and say: How come the Senate can’t move faster? I respond back to them: We can’t get a score from CBO, so we can’t move any faster. We are stuck waiting on them.

They typically will call me and say: Well, just run over CBO. I say: Well, we are not going to ignore the law, and we are not going to ignore the rules of the Senate, but we are going to work to actually get this right.

In the meantime, I have heard an awful lot of scare tactics coming out. It usually circles around, there will be 22 million people who will suddenly not have insurance. That is a fascinating number to me since only 9 million people have ObamaCare right now. Nine million are actually on the exchange. So it seems difficult to me for 22 million people to lose what only 9 million people have. But if you are an economist, they look at, on the horizon, people who may one day join in at some point who may have joined in then might have lost their insurance. It makes total sense to an economist, but to all of us who just look at math, it becomes very difficult.

CBO always offers for 8 years without a Federal mandate and a tax penalty on individuals, they will not buy this insurance product. People do not want to buy it and will not buy it unless they are made to buy it.

The problem is, there are 6.5 million people in the country who are also required to buy it who are just paying the tax rather than buying the insurance.

We need to allow people to make decisions on their own lives, but we need to also make sure there is actually an insurance product they can afford. And all the scare tactics about how we are going to throw out preexisting conditions and people who have preexisting conditions will be on their own—that is not true. That is what we have debated has included protection for preexisting conditions. We all are still honoring things like lifetime caps, annual caps. We have all included 26 and under. If you want to stay on your parent’s insurance, you can still do that.

There have been all of these scare tactics, like this will throw senior adults out on the street, and Medicaid is going to have these dramatic cuts. I looked at one of the proposals that was put out by the Senate and one of the drafts that we went through, and it said “dramatic cuts.” Here are the “dramatic cuts” we had in Medicaid: Every year for the next 8 years, Medicaid increased at twice the rate of inflation. Every year for 8 years in a row, twice the rate of inflation, Medicaid went up. That is twice as fast as Medicare goes up—twice as fast as Medicare. So Medicaid was accelerating twice as fast as Medicare, and then 8 years from now, Medicaid went back to growing at the same speed as Medicare—at the rate of inflation. That was the “dramatic cut” in Medicaid. Every year going up twice as fast as inflation is a cut? Nine years from now, only going up twice as fast as inflation is a cut? But it is being portrayed that people are going to be thrown out on the streets and Medicaid is going away.

I would encourage Americans to understand that the conversation has been a lot about political rhetoric. This body really is committed to the safety net. This body really is committed to allowing people to have choices again that they can actually afford for insurance. We are really committed to talking about control of healthcare out of Washington D.C. We are going to bring it back to the States and to families so they can control healthcare decisions again. That is the real debate that is happening here.

I know it is boisterous, and I know it is much easier just to have bumper sticker comments, but at the end of this, we have to realize there really are people who are involved in this, who are deeply affected by it.

I will tell you more stories. A gentleman recently sent me an email saying that he received word that his premiums are rising from $1,229 a month to $2,205 a month to cover just him and his wife. His deductible is rising to $4,000 a person. His out-of-pocket maximum is rising to $15,000. That is under ObamaCare now.

Another person who wrote me is currently enrolled in ObamaCare now. He is 62 years old, and his wife is 61.

Our monthly health insurance premium increased by 71 percent to $2,900 last year. My wife and I are healthy with no major problems, so my health insurance is the size of my mortgage payment.

That is under ObamaCare now.

Under ObamaCare now, a lady from my State wrote me and said that for her first year, her monthly premium was $1,200. This year, she will pay $1,900 a month. She just got a letter from the one insurance company left in her State—the one opportunity she has to get insurance—saying that her monthly premium next year will be $3,540. That is an increase of 84 percent, or $4,200 a year, for insurance under ObamaCare now. Her simple statement to me is, How is this possible?

I speak to some of my colleagues, and they say: Those stories aren’t true.

I say: Let me introduce you to some real-life people outside of this political debate who are debating around their kitchen table about how they are going to make it with the rates that have been put on them.

What we have now has to be addressed. I know this is a boisterous, loud process. But as we walk through the process, the end solutions are for these families, so that our noise helps them to actually move back to thinking about their kids and what they are going to do next in their retirement, and not to say: How in the world am I going to pay for my health insurance anymore?

Let’s get this finished. Let’s move to the next stage. Let’s get to conference and try to resolve the differences between the House and the Senate. By September, when we finally get a score back from CBO on all of our scoring and they finally get us information on the things we have asked for, let’s get this passed so we can actually get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. WICKER. Mr. President, let me congratulate my colleague from Oklahoma for a very fine statement, and let me associate myself with each and every word and each and every fact he outlined in his very fine statement, and congratulate my colleague from Missouri who went before him. I appreciate their leadership on this issue.
Let me, at this point, also give a salutation to the First Amendment of the Constitution of the United States, to the right of freedom of speech, which we have seen exercised in this building and in this Nation during the course of this debate, and the freedom granted to petition government in the redress of grievances. We have seen examples of that. They have been on full display in this healthcare debate, a phase of which will come to a close I hope this evening.

Let me give a shout out to our staff members. They have fielded thousands, if not tens of thousands, of phone calls, letters, emails, and visits from Americans exercising their rights under the First Amendment. Americans have come to their Capital City, almost all of them in an appropriate and non-disruptive way—sometimes intense, for sure—expressing their opinions but also in display of their First Amendment rights.

In the debate, all the conversation, and all the exhortation on this issue, we have seen a lot of things said from the floor and a lot of things said on the news media that have amounted to a matter of opinion. But here is one thing that is, in fact, a fact. For four straight elections—2010, 2012, 2014, and 2016—Republicans ran on a promise to repeal and replace ObamaCare. We ran on that platform, and for four straight elections Republicans prevailed at the ballot box on the strength of that platform. I know for a fact, and this I believe. Millions of Americans are at work today or at home or getting home from their offices, from their shops, from their factories. They are turning on the media. They are checking online. They are turning on the radio. They are wondering if a campaign promise is going to be kept by this party to which they have given the reins of government in four straight elections.

We are close to keeping that promise. We are closer than we have ever been, and we can take a big step tonight on making good on that promise. That is not just a matter of keeping a promise, but I will say to my colleagues that it is important this platform be honored.

Mr. President, I ask unanimous consent to speak for 10 additional minutes if there are no other people on the other side asking for consent.

Mr. WICKER. So we are keeping a promise, but there is a lot more to it, as my friend from Oklahoma outlined, not only in fact but also in stories from hometown Americans.

This debate is about keeping Americans from hurting, about relieving the pain that this 2009 ACA has caused people to have. They were told they could keep their doctors. They wanted to keep their doctors, and it turns out they were lied to. They voted, and they could keep their healthcare plans. They liked their healthcare plans, and, in fact, they were not able to keep their healthcare plans. They were told their premiums would go down, and we have seen chapter and verse—as the gentleman from Oklahoma so forcefully outlined—of the dramatic, drastic, unspeakable increase in premiums that Americans have undergone. They have seen the situation, when it came to health insurance, and they have not had that choice. They have lost their freedom to make their own healthcare decisions, and that has been sacrificed in favor of a big government approach, as has been explained on the floor tonight.

Families in my State who do not have employer-based health insurance are paying nearly $3,000 more per year in premiums than they did 4 years ago. In my State, it is a 167-percent increase in premiums under the Affordable Care Act over this short period of time. I guess we should be thankful we are not the 201-percent increase in premiums that our neighbors from Oklahoma have. We have to increase in healthcare premiums that our neighbors across the line in the State of Alabama have. But still, it is pretty bad wherever you go, and they were told and this program was sold on a promise of reducing healthcare premiums. As has also been pointed out, 6 million independent-minded Americans have just said: I will not purchase this required insurance. I will pay the penalty, instead. The Supreme Court says it is a tax. We know it is a penalty. It is a tax upon choices. The American people are doing that many times because they are independent-minded but many times because it is the only thing they can afford.

So Americans are hurting. Americans from Missouri, Oklahoma, and Mississippi are hurting, and they are hurting all across America. My Republican colleagues know this. My Democratic colleagues know this.

They say the ACA needs adjustment. It needs some help.

But what is their solution? I think we are beginning to know, based on statements made and based on information coming forward, that our Democratic friends really want a single-payer system. That is their solution to the failed ObamaCare system we have now—a British-style, European-style, government-run insurance-for-all program. I don’t think we need that in America. I don’t think that is what Americans thought they were getting.

My wife and I have never moved our family to Washington, DC. We have kept our home on the same street in Tupelo, MS, that would have been. We raise our kids in Mississippi. When the last bell rings this weekend, I will be on a plane back home to my State, moving around the State, talking to Mississippians, speaking to people who gave me this great opportunity to serve in this great body, and this great system of government.

I want to be able to tell them when I go home after this vote that I have taken a big step in keeping the Federal Government out of the business of deciding healthcare for their families. I want to be able to tell them that they are now going to have more options to choose the plan that works for them. I want to tell people back home who put me in office that we put more power in the hands of the States, not unelected Washington, DC, bureaucrats. I want to be able to tell them we passed a bill that, as my friend from Oklahoma so eloquently answered their pre-existing conditions and takes care of those people with low incomes who need assistance in buying insurance. I want to assure the people back in my home State and all across America, as my friend from Oklahoma just did so eloquently, that the Medicaid Program will continue. As a matter of fact, it will continue to grow, but at a rate that is more sustainable, so we can afford it today and so we can afford the Medicaid Program in future generations.

This has taken long hours of give and take. It may take more long hours in debates tonight and in a conference with the House, but we can get there. I see the solution, and I am as optimistic as I have ever been that we will be able to keep this four-election promise we made.

These reforms are now within reach. We should take advantage tonight of this opportunity to deliver on what was promised to the American people, to relieve Americans who are hurting from the current ObamaCare system, and to give them a better opportunity for affordable and accessible healthcare.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I ask unanimous consent that the time until 8:30 p.m. be equally divided between the managers or their designees and that at 8:30 p.m., the Senate vote in relation to the Schumer or designee motion to commit, which is at this time, and I ask as optimistic as I have ever been that we will be able to keep this four-election promise we made.

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

The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to talk about my amendment. Amendment No. 502. It addresses one of the most onerous taxes enacted under the Affordable Care Act, commonly known as the Cadillac tax. The Cadillac tax is a 40-percent excise tax set to take effect in 2020 on employer-sponsored health insurance plans.

In Nevada, 1,3 million workers are covered by an employer-sponsored health insurance plan. These are public employees in Carson City and service industry workers that work on the Las Vegas Strip. They are small business owners, and they are retirees across my State.

Hardly anyone in Nevada will be shielded from the devastating effects of
this Cadillac tax. Across America, 54 percent of employers and almost 151 million workers who currently enjoy employer-sponsored healthcare benefits will experience massive changes to their healthcare by the year 2020. We are talking about reduced benefits, we are talking about increased premiums, and we are also talking about higher deductibles. Hard-working Americans will suffer.

That is why I joined Senator HEINRICH from New Mexico in calling for what was called the Middle Class Health Benefits Tax Repeal Act earlier this year, with the support of over 75 organizations. Some of those organizations include unions, chambers of commerce, small business owners, State and local government employees, and retirees. They are all saying the same thing—that the Cadillac tax needs to be repealed. From unions to small businesses, employers are proposing sweeping changes to employee benefits today to avoid the tax later.

First, over 33 million Americans who use flexible spending accounts and 13.5 million Americans who use health savings accounts may see these accounts vanish before they can be used to cover the loss.

Cynthia, who works in the Clark County School District, sacrificed a higher paycheck to ensure that a quality health plan would be there when she retired. The Cadillac tax would place a 40-percent excise tax on her retiree benefits and cause her to deplete her savings to cover the loss.

Second, I have heard from employers, large and small, from all over Nevada, saying that they will inevitably have to eliminate services their workers currently enjoy, dramatically increase deductibles and premiums, and will have to cut certain doctors out of their networks. This goes right at the heart of ObamaCare's promise: If you like your healthcare, you can keep it; if you like your doctor, you can keep your doctor.

This onerous tax targets Americans who already have high quality healthcare, and Nevadans have reached out to tell me how this tax will affect them. One of the stories that hit me the hardest was hearing from a school teacher in Las Vegas. As the son of a cafeteria worker, I know the sacrifices that make education possible. Cynthia, who works in the Clark County School District, sacrificed a higher paycheck to ensure that a quality health plan would be there when she retired. The Cadillac tax would place a 40-percent excise tax on her retiree benefits and cause her to deplete her savings to cover the loss.

Seniors have worked their entire lives for these benefits, and the Cadillac tax puts at risk the sacrifices they have made during decades of hard work, and we are also talking about higher deductibles. Hard-working Americans will suffer.

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create an opportunity for us to fix it and make it better. But the comments of the Speaker, which had to be clarified a few minutes later by his press spokesperson, have made absolutely plain that if this bill passes out of the Senate, I intend to be passed by the House ASAP, and the President’s spokesperson has said: We like this bill, and the pen is in hand—we are ready to sign it.

So no one in this body should have any illusions: If the skinny repeal—otherwise the fraudulent disaster—passes, it is not to continue a process; it is to take health insurance away from 16 million people, and it will raise premiums dramatically. And that is what the intent of this vote would be.

With that, Mr. President—

Mr. WYDEN. Mr. President, will my colleague yield for a question?

Mr. Kaine. Mr. President, just very quickly, the Senator pointed out this analysis we have gotten where the premiums go into the stratosphere. Senator Murray and I worked a long time on it.

Wages for working people are going up about as fast as a snail trying to climb uphill. I am curious what you think that means for working-class families in Virginia, because I know in my home State and Senator Merkley and I have talked about that no working families right now who every single month are walking on an economic tightrope, balancing their food bill against the fuel bill, the fuel bill against the rent bill.

Because my colleague was correct with respect to the fact that this would start, by the way, in January—this is not some kind of far-removed thing—people are going to feel the hit of these skyrocketing premiums right away. What does my colleague think that is going to mean for working-class families in his home State?

Mr. Kaine. Well, to respond, Mr. President, to my colleague from Oregon, one of the things we have seen in the first half year of this administration is, whatever job report comes out month to month—comes out at the beginning of each month, we are not seeing wage growth. We are not seeing wage growth. So imagine that continuing forward—essentially no wage growth and 20 percent increases in premiums that then compound to 40 percent next year, 60 percent the year after that. This will be devastating.

So if you put together the CBO consequence—16 million losing insurance, the 20 percent compounding increases in premiums, a likely dramatic destabilization of the insurance market, and then other features that we hear are in the skinny bill—for example, if you take funding away from Planned Parenthood, which we decided is their choice, that is where they are going to get healthcare, including many working women and women in working-class families—the premium effect is going to be absolutely dramatic, and it will be devastating to Virginians and Oregonians.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. Blumenthal. Mr. President, we are here at a historic moment, and we listened to a historic speech just within the last 48 hours from our colleague, Senator John McCain. All of us welcomed him back and were inspired and overjoyed by his return and then by his speech asking that we go back to the regular order, that we have committee consideration of a bill, with hearings and markup and the democratic process really working.

What threatens us tonight is the democratic process being brought to low.

If this bill is passed with the assurance that it won’t go to conference—and there are conservatives, and I could quote them.

Senator Lindsey Graham said earlier today:

There’s increasing concern on my part and others that what the House will do is take whatever we pass—the so-called “skinny bill”—not take it to conference, go directly to the House floor, vote on it, and that goes to the President’s desk with the argument, “This is better than doing nothing.” Here’s my response. The “skinny bill” as policy is a disaster. The replacement for Obamacare is a fraud. The “skinny bill” is a vehicle to get in conference to find a replacement. It is not a replacement in and of itself. The real threat is because you eliminate the individual and employer mandates which we all want eliminated but we actually want to have an overall solution to the problem of Obamacare, so you’re going to have increased premiums and most of Obamacare stays in place if the “skinny bill” becomes law. Not only do we not replace Obamacare, we politically own the collapse of healthcare. I’d rather get out of the way and let it collapse than have a half-assed approach where it is now our problem.

Senator John McCain said earlier today:

I’m not supportive of the legislation as it stands today. I am in close consultation with Arizona governor over the so-called “skinny repeal.”

Senator Ron Johnson said earlier today:

Virtually nothing we’re doing in these bills and the proposal are addressing the problems and challenges and the damage done to people.

We will see, in effect, a betrayal of our trust, and I say that very seriously. I hope this body will keep faith with our democracy and make sure that a bill that is regarded as a bad bill—and rightly so because it will eliminate insurance for 16 million people, it will raise premiums by 20 percent in less than a year, it will drive up costs, and it will bring down the number of people who are insured by catastrophic numbers. We owe it to the American people to vote on a strong, deliberate skinny repeal bill, which is really a sham repeal. It is a skeletal version of TrumpCare 2.0, 3.0, 5.0, 7.0. We can do that.

With that, I yield the floor to my distinguished colleague from the State of Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. Coons. Mr. President, I want to speak for a few minutes. I have spent a few moments on the floor to answer the calls I am getting into my office, the texts and the emails I am getting with people asking: What is going on? What is happening in the U.S. Senate? They can’t keep track of what it is we have moved to.

We don’t know either.

We are here probably all night waiting for the majority to finally produce the bill that they will use to attempt to repeal and maybe replace—or not—the Affordable Care Act.

All we know is, every single proposal that has been brought forward in recent days has two features: It reduces coverage, and it raises costs.

It may be that 16 million Americans will lose healthcare coverage. It might be 20 million, might be 32 million. Those are different scores for different proposed bills.

It may raise costs by 15 percent, 20 percent, or 30 percent. Sometime later tonight, we will see the final proposal on this floor, and hopefully we will get some score so we know what we are voting on before we finally get there, but what is so scary to families I am hearing from, is that after 7 months of majority rule, we are 72,000 miles away from the Senate, House, and White House, we don’t have a finished bill for us to debate tonight in detail, and we don’t know yet exactly what we will vote on later tonight. We just know a simple theme—every proposal that has been brought forward when scored by the CBO, the independent scorekeeper, offers less coverage and higher costs.

Folks, I want to remind you about something because I just ran into a family out on the steps of the Capitol, outside the building, not inside the building—a family who is raising two typical children and one child with Down syndrome, a family where the father of the family is Active-Duty U.S. military. They asked me: "Why can’t we be heard?"

The process that brought us here tonight did not include committee hearings, where doctors, nurses, patient advocates, folks who run hospitals, or folks who are specialists on insurance were heard.

In a press conference earlier this evening, four of our colleagues said they are going to vote for this bill later tonight so it can go to conference and get fixed. They said the current expedited skinny repeal bill is a fraudulent disaster, to paraphrase a colleague.

Well, what I really think we should do is heed the advice that Senator McCain laid out on the floor a few days ago and go back to regular order. Just earlier today, there was an inspiring moment when we took up and passed by a vote of 97 to 2 the Russia
sanctions bill. We heard the chair and ranking Republican and Democrat of the Foreign Relations Committee speak positively of each other and positively of the process and they said the outcome is in the best interest of our country.

As we have seen, we don’t always follow regular order. Both parties have responsibility for moving things over the years without fully consulting each other and without going through the committee process. I think this is the moment that we should look at what happened earlier today on this very floor and follow that process, where the committees are included and consulted, and where we find a bipartisan resolution to what ails America. I am afraid that is not what is going to happen, and later tonight we will be forced to vote for or against a bill that raises healthcare costs for Americans and lowers the number of Americans who get healthcare coverage. If that is the case, the Senator will vote no.

Thank you.

With that, I yield the floor to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Thank you, Mr. President.

We are starting to hear rumors of what is in the so-called skinny bill, and it is not skinny. It is humongous. It is filled with all sorts of conservative priorities, notwithstanding the end to the individual mandate, the elimination that insurance companies are required to include certain coverages, the denial of funding to Planned Parenthood. This is not a bill that is designed to go to conference. This is a bill that is designed to become law.

I just want to put all of the pieces together for folks what we are hearing tonight, because you are hearing, if you are watching television, these are rumors—the end to the individual mandate, the elimination that insurance companies are required to include certain coverages, the denial of funding to Planned Parenthood. This is not a bill that is designed to go to conference. This is a bill that is designed to become law.

It is healthcare arson. It sets the insurance markets on fire. It immediately takes insurance from 16 million people and drives rates up by 20 percent on a compounding basis. This is insanity.

First, you are seeing this skinny bill get fatter and fatter, which all of a sudden looks like a piece of legislation that is not designed to go to conference. It looks like a piece of legislation designed to become law.

It is healthcare arson. It sets the insurance markets on fire. It immediately takes insurance from 16 million people and drives rates up by 20 percent on a compounding basis. This is insanity.

It is getting bigger and bigger, which makes you wonder, wait a second, is this about going to conference or becoming law? Then we got another piece of information. The White House doesn’t support the conference. The White House likes the skinny bill and wants it to become law. Then we got another piece of information. The House of Representatives tomorrow morning will declare what is called a procedural move that will allow the House to pass the bill that comes from the Senate as quickly as possible. This isn’t going to conference, this is becoming law. Then the icing on the cake is the most curious piece of news: a statement from the Speaker of the House in which he says, not the House, he says, “I am willing to go to conference.”

Why “I am willing to go to conference” and not “we will go to conference”? Well, maybe you got the moment that last who said: “Conference committee is one option under consideration, and something we are taking steps to prepare for should we choose that route, after first discussing with the members of our conference.”

Can you see what is happening here? Can you see what is happening here? This is a bill that is being sold as just a procedural step to get to conference, but everything else that is happening around the passage of coming into law. Even if I am not right, let’s also be clear about the process. Even if there is a conference, how on Earth is the conference going to come to a conclusion that the Senate could not? Right? You are going to introduce the Freedom Caucus to the U.S. Senate and think you are going to get more functionality and not less functionality? Even if you get to that conference, it will last for a couple days, maybe a couple more. They will go to the Senate, and then guess what. The skinny bill, which is not so skinny any longer, is there for the U.S. House of Representatives to pass and put into law. All the while, the President of the United States is cheering that on. That is the signal he gave you. The President of the United States does not support a conference. He supports a bill that we are going to have unveiled later tonight and passed. He supports that bill going into law.

So even if we have a conference, with the President chiding the conference to give us and pass the Senate bill, which is available to the House for passage, that is what the outcome will be.

So for our Senate friends who want assurances that this bill will not become law, you are getting exactly the opposite tonight.

With that, I yield the floor to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Connecticut for that really good and detailed description of how we got to where we are here. Because I think it is really hard to explain to Americans at home who are watching this what a debate really is. I don’t see my friends from the other side of the aisle right now, but watch what is happening here today because what I have seen in my State the last few months is that there is noiable.

Families are coming up in the middle of a Fourth of July parade with their child with Down syndrome, bringing him over and saying: He is not just a preexisting condition. He is our child whom we love.

This last weekend, I was with a family with two identical twins, Mariah and Evelyn. One is the catcher and one is the pitcher on the softball team. Just in the last few years, one of them found out that she has a severe case of juvenile diabetes. The other one is perfectly healthy. What the mom told me is that they can hardly make it, paying for the cost of the drugs. There is a bipartisan bill that on. That is the signal he gave you. The President of the United States is cheering that on. That is the signal he gave you. The President of the United States does not support a conference. He supports a bill that we are going to have unveiled later tonight and passed. He supports that bill going into law.

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When we are dealing with one-sixth of the American economy, we shouldn’t be at night passing a bill that one of our most trusted colleagues on the other side of the aisle, a Republican, has just called “a fraudulent disaster.” That is not what we should be doing. We should be working on the fixes that so many people have been working on for so many years—bringing drug prices down, making the exchanges stronger with reinsurance and cost sharing. These are things we actually can do.

I ask my colleagues to work with us. We have opened the door. We want to work together on these changes and not to pass this fraudulent disaster.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Thank you, Mr. President. I appreciate so much my colleagues being out here on the floor. We are debating a bill that relates to 16 percent of our gross domestic product, and I hope everyone agrees that isn’t 1 percent of our economy. I wish there were folks on the other side of the aisle who were out here tonight having this debate. I thank my colleague from Minnesota for the point she made.

I want to state that I am really discouraged about where we are in our political system right now, and part of that is because politicians seem to think they can say one thing when they are running for office and do another thing when they get here and that somehow there is not a consequence.

I guess one of the reasons people think there is no consequence is that we have begun to treat edited content—journalism—as though somehow it is inferior to somebody just shooting their mouth off on the internet. We hear the President verbally assaulting journalists who have covered terrorism and who have tried to bring the story in Syria to the United States. Some have lost their lives. The President says they are not covering terrorism; then he attacks them as fake news. He goes to places like Youngstown and gets people to attack CNN or the New York Times or the Wall Street Journal—anything that is actually edited content.

I think it is because he thinks, A, he will not withstand the scrutiny of real journalists, but I think, B, he thinks it will help with this anything-goes style of politics which so many of our economists have been saying on this floor. I yield the floor.
seniors get their nursing home care from Medicaid. Half of the people we see with Medicaid healthcare are children. All of the funds in the first proposal would go to tax cuts for the wealthy few and pharmaceutical companies and to destabilize and undermine and drive up costs for everybody else. So that is door No. 1: higher costs, less coverage.

Then, when that didn’t go forward, it was door No. 2. Door No. 2: Repeal everything that was passed under the Affordable Care Act and then say to folks somewhere down the road, we will figure out how to replace it. That is higher costs and less coverage.

Now we are at door No. 3, and we don’t know what is behind door No. 3. All we know for sure is that it will be higher costs and less coverage.

Now, we as Democrats want just the opposite. We want to work together with our Republican colleagues to lower costs—by the way, starting with the courageous increases in prescription drug costs. And we want to increase coverage options, increase health insurance. That is what we are all about. I believe—I know in Michigan—that is what people want me to be focused on.

Are there problems in the current system? Of course, and we should fix those, but we don’t have to rip away healthcare and raise everybody’s costs 20 percent a year as is being talked about now in order to fix the problems that are there.

I want to quote Senator McCAIN, who said that it is time to “return to regular order,” work to reduce “out-of-pocket costs,” and learn to “trust each other” again.

It is pretty tough to trust colleagues, to trust the majority, when we aren’t even given the respect of knowing what we are going to be voting on. And it is not just—it is not about us. It is not about us as individuals; it is about the fact that the person who is getting cancer treatments right now needs to know what the U.S. Senate is going to be voting on and have a chance to respond. Every person who cares about their child, who cares about their parent in a nursing home, who cares about their future has the right to know and to read a bill and know what is going on.

I want to say in conclusion—I want to close with the words of Margo, who manages a health clinic in Kent County in the western part of Michigan. Margo knows the benefits of increased access to healthcare because she sees it every day. She knows it is not political; it is personal. There is nothing more personal than being able to take your child to the doctor and get the healthcare you need or care for your parents.

Margo wrote:

Seeing working people who have struggled all of their adult lives to manage their chronic health conditions finally have access to regular doctor visits, health education, and prescription medications has been a tremendous relief. It is amazing how different the lives of our patients are today compared to what they were a few years ago.

She added: “You can’t imagine the sense of dignity the people I see feel.”

The PRESIDENT. The Senator from Wyoming, Mr. ENZI, Mr. President, I heard somebody say that nobody was listening. Well, I was listening. I have read a little bit from this book before on the floor about healthcare. It is called “Demystifying ObamaCare” by David G. Brown, who is a doctor. He does a marvelous job of going through the history of how we got to where we are.

He says, maybe we need to answer the question: “What does ObamaCare do? What does ObamaCare purport to do? What does ObamaCare not do?”

He says that those answers are relatively simple.

ObamaCare is not a system of healthcare, nor is it a healthcare reform. It is a system of healthcare control.

ObamaCare was supposed to significantly reduce healthcare costs, but instead it has dramatically increased costs for even those who are not directly within the ObamaCare program.

ObamaCare was supposed to increase access to care, but instead it can actually reduce access (availability) of care.

ObamaCare reduces the effectiveness of the safety net program, which is so very important to economically non-Americans.

The quality of healthcare in America was derided when ObamaCare was passed, but ObamaCare instead reduces the quality of U.S. healthcare by reducing innovation.

And then he says:

ObamaCare removes a person’s ability to make his own decisions about his healthcare and that of his family. It does so by removing the freedom to make those decisions.

He continues that what we are trying to do is to pick problems and get back to a system of healthcare where the patient and the doctor get to make some of the decisions, where we encourage more people to be in the system, where we expand the use of HSAs, refundable tax credits, where we also allow people to buy insurance across State lines.

We could put money back into State high-level risk pools. In fact, I really like the invisible risk pools that allow people to continue to pay what they were paying before, but to get the unique care.

We could “pass Medicaid to the States in terms of ‘block grants’ or ‘per capita allotments,’” and we could “partially privatize Medicare starting in 2024 with the premium support system.”

That is not in the bill; I am reading suggestions that he gives, including “cap the amount for tax exclusions in higher cost employer-based plans.”

Now, you need to know that in the proposals that we have been putting out, in spite of what I have been hearing on this side, kids under 26 still get to be on their parents’ insurance. We are not taking that off. I keep hearing we are eliminating the preexisting conditions. We are not. There hasn’t been a proposal to eliminate the preexisting conditions. So quit saying that. That is just fearmongering. As to eliminating the lifetime caps on insurance, I haven’t heard a proposal for that. Also, allowing people to continue to be insured even if they change jobs—that is what this guy wrote in the book, and I would like for everybody to read it. It is the only way that drive up healthcare costs. One is taxes, another is mandates. Another is regulations. Another is lack of competition and flexibility within the marketplace. As to the fifth one, I don’t know of anybody addressing yet, but it is the medical liability system that encourages defensive medicine and drives the costs up.

Seniors need to be protected. There needs to be an effective and viable safety net system. Nobody is trying to work against that, regardless of what you are hearing here.

I understand my time has expired. I have a lot more of the book I would like to share, but I am not sure it is productive, anyway.

I yield the floor.

The PRESIDENT. The Democratic leader, Mr. SCHUMER. Mr. President, I ask unanimous consent that before the next amendment each side be given 2 minutes.

The PRESIDENT. Is there objection?

Without objection, it is so ordered.

MOTION TO COMMIT

Mr. SCHUMER. Mr. President, I have a motion to commit at the desk.

The PRESIDENT. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that—(1) are within the jurisdiction of such committee; and (2) strike the subsequent effective date in the repeal of the tax on employee health insurance premiums and health plan benefits, which reinstates the tax in later years.

The PRESIDENT. The question is on the Schumer motion to commit.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 57, as follows:
The amendment (No. 502) was agreed to.

The PRESIDING OFFICER. The majority leader.

Amendment No. 667 to amendment No. 267

(Purpose: Of a perfecting nature.)

Mr. MCCONNELL. Mr. President, I call up amendment No. 667.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

SHORT TITLE.

This Act may be cited as the "Health Care Freedom Act of 2017".

TITL E I

SEC. 101. INDIVIDUAL MANDATE.

(a) In General.—Section 5000A(a) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking "2.5 percent" and inserting "Zero percent", and

(2) in paragraph (9)(B) by striking subparagraph (D).

(b) Effective Date.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 102. EMPLOYER MANDATE.

(a) In General.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting "(80 in the case of months beginning after December 31, 2015, and before January 1, 2025)" after "$2,000."

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting "(80 in the case of months beginning after December 31, 2015, and before January 1, 2025)" after "$3,000."

(b) Effective Date.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 103. EXTENSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) In General.—Section 4410(c) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2017" and inserting "December 31, 2020."

(b) Effective Date.—The amendment made by this section shall apply to sales after December 31, 2017.

SEC. 104. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCURRED DURING AND OUT-OF-POCKET LIMITATION.

(a) In General.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(C) In each tax year beginning after December 31, 2017, and before January 1, 2021—

"(i) "(A) paragraph (2)(A) shall be applied by substituting the "amount in effect under subsection (c)(2)(A)(III)" for "$2,500", and

"(B) paragraph (2)(B) shall be applied by substituting the "amount in effect under subsection (c)(2)(A)(II)" for "$4,500.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.
TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.
Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (3), by striking “each of fiscal years 2018 and 2019” and inserting “fiscal year 2018”;

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.
Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting “, and in addition $422,000,000 for fiscal year 2017” after “2017”.

SEC. 203. WAIVERS FOR STATE INNOVATION.
Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18002) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by inserting “or would qualify for a reduction in” after “would not qualify for”;

(B) by adding after the second sentence the following: “the following may request that the Secretary or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.”;

(C) by inserting before “(A) PASS THROUGH OF FUNDING” and inserting “FUNDING’’;

(D) by striking “With respect” and inserting the following: “(A) PASS THROUGH OF FUNDING.—With respect; and

(2) by adding at the end the following:

“(B) by striking “(A) from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made to a prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term “prohibited entity” means an entity, including its affiliates, subsidiaries, successors, and clinics,

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(b) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network exceeded $1,000,000.

(2) DIRECT SPENDING.—The term “direct spending” has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).
full repeal bills this week, in their discussions of hearings we should be holding, and in their comments even over the past few hours, laying out how devastating this bill would be for patients and healthcare markets and making it clear they do not trust the House to not merely whatever moves through the Senate.

So I call on Republicans now to join us. Let’s do what my colleague, the senior Senator from Arizona, and so many others have bravely called for. With this bill back to the committee, where we can debate it, where we can work together, where we can do what is right for the people we represent.

I urge my colleagues to support this motion to commit in the way that Republicans and Democrats have been talking about. I can personally assure every one of you that I will work with you—and I know other Democrats will as well—if we reject this process and send it back. I urge my colleagues to take this motion to do it the right way, the respectful way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. TESTER. Mr. President, this process is an embarrassment. This is a nuclear-grade bongers what is happening here tonight.

We are about to reorder one-fifth of the American healthcare system, and we are going to do it within hours of reviewing a bill which, at first blush, stands essentially as healthcare system arson.

This bill is lighting the American healthcare system on fire with intentionality. To use the word “freedom” at its center—there is freedom in this bill. There is the freedom to go bankrupt, there is the freedom to get sick and not be able to find a doctor, and there is freedom in this bill to die early. That is not hyperbole. That is what happens when, overnight, 16 million people lose insurance.

Don’t tell us that is because people all of a sudden will not be mandated to buy it. This is a vicious cycle that happens. When you get rid of the mandate, every insurance company will tell you that rates skyrocket because you are not getting rid of the provision that requires healthy people to buy insurance, with no answer for the parents of those disabled kids who have been begging to get into Senators’ offices. This isn’t a game. This is real life. If this bill becomes law, real people will be hurt.

We are begging our colleagues to vote for the motion to commit. Take us at our word. We want to work with you. We acknowledge there are still problems that need to be solved, though we maintain there are parts of the Affordable Care Act that are working. What if we owned the problem and the solution together? What if this wasn’t a perpetual political football? There is still time for us to work this out together if you support us and vote for the motion to commit.

This process is an embarrassment to the U.S. Senate. This isn’t why we all came here—and don’t delude yourself into thinking that this bill you are voting on will become law. There is a very good chance that it will, and the end result will be absolute devastation and humanitarian catastrophe visited upon this country.

It doesn’t have to be this way. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, it has been an amazing process. I have been here a little over 10 years, and I have never seen anything like this.

We voted cloture a few days ago to move to debate. Nothing. Now we have been here today the House has already pointed out, will rip healthcare away from millions of people, increase premiums by 20 percent a year, and basically solve none of the problems that are out there that need to be solved that affect Americans everywhere, especially in rural areas.

I must thank the Senator from Washington, Mrs. MURRAY, for the motion to take this back to committee. This is where we should have started. We should have started in the committee process like our forefathers had designed this place to work, the greatest deliberative body in the world, but it didn’t. Every bill has been drafted by a select few in a backroom, with no input from anybody, especially people from rural America. So it is really time, folks, to open this process up.

As I have gone around the State of Montana—and I have for the last 8 months—talking to folks about healthcare in rural America, they are frustrated. I am going to tell you something. If people cannot pay their bills because they don’t have health insurance or they don’t have the money, it is going to put these small hospitals at risk, these rural hospitals at risk.

I will tell you a little bit about the town I grew up in. This is a town where my grandparents homesteaded over 100 years ago. From the time of the homestead era until the mid-sixties, they didn’t have a hospital. Their hospital was the top floor of a place that sold dry goods. In the mid-sixties, they finally scratched up enough money, and they built a hospital.

Big Sandy is not as big today as it was back then. I am going to tell you about a hospital that I support from these small hospitals, the folks in the Montana Hospital Association have told me that if charity care goes up, they could close and at a bare minimum change their method of delivery for healthcare.

What does that do to a small town? Oftentimes the hospital is the largest employer in that town. They usually fight with the school district for that honor. You take the hospital out, you take the heart and soul out of that community.

You want to see a mass exodus from rural America, even bigger than it has been over the last 50 years? Pass this bill. Pass this bill.

This isn’t about numbers, and it isn’t about words; it is about people. Big Sandy is not unique. Every rural town in the State of Montana that has a hospital is in that position. It is the same thing in Wyoming. It is the same thing in North and South Dakota. It is probably the same thing in more urban States that have rural areas, where these small hospitals will be put at risk of closure. It is not right.
I am going to tell you that if we follow the process that should be followed in this great body, we would take this healthcare bill and put it back in committee, have a debate, listen to ideas from everybody, rural and urban alike—farmers, and ranchers, businesspeople, healthcare professionals, families, doctors, nurses—and we could come up with a bill that could work for this country. But that is simply not the case here tonight, and we should not be proud of this at all.

Our starting point is a great system that can work, and the majority has chosen to ignore that system. It is a disgrace to the Senate.

I yield the floor.

The PRESIDING OFFICER. (Mr. Toomey.) Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, let’s look at how all this started. Right down this hall, a few months ago, Senator MCCONNELL, a handful of Republican Senators, the drug lobbyists, insurance company lobbyists, and Wall Street lobbyists met in that office behind closed doors. Most Republican Senators didn’t know what was happening; no Democratic Senators knew what was happening, and the American public didn’t know what was happening.

This bill—written by drug companies, insurance companies, and Wall Street lobbyists—was sent to the Senate floor, was discussed, and, alas, it was big tax cuts for the drug companies and the insurance companies.

When you think about this, you have U.S. Senators who get taxpayer-subsidized insurance, Senators who get insurance provided by taxpayers who are going to rip it away from potentially 700,000, 800, 900,000 Ohioans.

I stand with Governor Kasich. Governor Kasich said: You don’t pass legislation with drug company lobbyists, insurance company lobbyists, and Wall Street lobbyists, wrote this bill. I stand with Governor Kasich, who wants to do a simple thing: Stop this outrageous waste. Sit down with Republicans and Democrats in both parties. I could sit with Senator PORTMAN. We could come up with legislation to fix the Affordable Care Act; to encourage more young, healthy people into the insurance pools; to stabilize the insurance market; to go after the outrageous cost of prescription drugs; maybe even open up Medicare eligibility for people between 55 and 64. It is not complicated.

The special interests have taken over this Chamber. We should be ashamed of ourselves. We ought to do this right. I ask my colleagues to vote yes on the Murray motion to recommit.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise in support of the motion to commit by my friend Mitch Daniels was the Governor of Indiana, they did a Medicaid expansion in Indiana. They are putting in accountability and responsibility. It has great effects. My good friend Mitch Daniels was the Governor at the time they put this plan into place, and it has worked and worked well.

We are willing to sit and talk. These are good things. We think we can make this happen. We have been shut down at every turn. I have said: This is not how we were taught in West Virginia. It is not how we do business. We sit down and work through it.

I don’t care what side of the aisle you are on—we came here to do the right thing for the country. We are all Americans. We all have something in common. We are all on the same team, I hope, and that is Team America. Let’s fix this.

Let me tell you what will happen if you don’t fix it. Let me tell you what will happen for the people who lose it. Do you know where they go back to? And I don’t know why people think there is a savings involved. They are going back to the emergency room.

When I was Governor, every year they came to me and said: Governor MANCHIN, we need $12 million for a rural hospital. We gave all this charity care away. Then they are going to go back to that. Do you think that is quality? There is no preventive care. There is no planning. There is nothing to help these people
have a better quality of life. We are going to pay again. We are going pay dearly for this. We are not going to have any chance to get people back in the workforce.

All we are asking for, please vote for Senator Murkowski to move to a vote. Give us a chance to do what we were sent here to do. Let's work the legislation. Let's sit down and find the commonality that we can find as Americans and move forward with a piece of legislation that can change people's lives and can give them hope again for the first time. That is all we are asking for.

I would ask each and every one of us to search our souls and our hearts while we are here, what we are here to do, what our purpose of being here is, and give us a chance to fix a healthcare system that needs to be fixed but also needs to be available for the people in my great State of West Virginia and everywhere in this country.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, this bill is the height of the most secretive and partisan process I have seen in my 10 years in the Senate. Who did the magicians who came up with this listen to? They obviously didn’t listen to the doctors. The American Medical Association is opposed to this. The American Pediatric Society is opposed to this. The American Academy of Family Physicians is opposed to this. Certainly the doctors didn’t get a chance to get heard in this process.

How about the hospitals? The American Hospital Association is opposed to this. Catholic hospitals are opposed to this. Rural hospitals are warning that this could end their very existence. Let’s have a process that gives the hospitals a chance to be listened to.

The nurses in Rhode Island are opposed to this. I think nurses around the country are opposed to this. Why not have an open process that gives the nurses a chance to be heard?

Our community health centers are opposed to this. They have been to Washington to say: Please don’t do this. You will be hurting real people whom we care for.

Illness advocacy groups—the people they are fighting for are stuck in this healthcare system with serious illnesses. Did we listen to the American Cancer Society? No. Did we listen to the American Lung Association? No. We didn’t even listen to the hemophilia group, for Pete’s sake. Addiction treatment groups are opposed against this.

We have listened to nobody. We didn’t even listen to the Republican Governors, let alone the Democratic Governors, like my Governor, who is telling me: We are working fine. We have people on Medicaid. Our exchanges are working.

Why fire this torpedo into perfectly working exchanges when we can be working on fixing the few where it is not working?

Why are we here? Who is behind this? Who was telling the little group of magicians in their secretive back room what to do? This is what happens when you pack 165{a} billionaires and stops listening to the people. They are conducting a freakish social experiment on other people’s health coverage, because you can bet those billionaires have all the coverage they need, but they are taking coverage away from people by the millions. And our Republican friends are standing up in lockstep to march the billionaire march on a bill that everybody hates and that will cause damage in everybody’s home State. And it doesn’t matter because the billionaires have the dark money, the dark money floods our politics, and everybody marches to the tune of the anonymous billionaires.

We could be doing great things. We could be solving the known problem of end-of-life care and making sure people get their wishes honored at that precious time. We could be dealing with opioid and behavioral health issues that are decimating communities across this country. We could be helping doctors with payment reform that lets them treat people in a way that keeps them healthier, rather than having to wait to be paid until they do stuff to people—running up the cost of healthcare.

We could be dealing with hospital-acquired infections. How many people know someone who had a hospital-acquired infection, which brings enormous costs into the system as you have to treat it? Do we address that? No, because we didn’t bother to listen to the hospitals.

We could do something about pharmaceutical prices. People in America are paying for pharmaceutical prices, driven up by people who aren’t even in the drug manufacturing industry but are just speculating on their ability to use monopoly pricing to drive up prices. But they put money into the system, so they get what they want.

This bill is a nightmare in and of its own, and it is a colossal missed opportunity to do something good for the American people that will actually help them. So let’s support Senator Murray’s motion to recommit and just try the regular order that the majority leader has proclaimed he was a champion of for year after year, until the creepy billionaires said to him: We are giving you the money; this is the bill we want. We don’t care about those people or those hospitals. Shove it through because it suits our ideology.

This is no way to govern. The people, the hospitals, the doctors, the nurses, the community health centers, and the people suffering from illnesses at least a chance to be heard in some kind of open environment. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, at last count, I think it was the Gallup poll that found 12 percent of the American people had confidence in the U.S. Congress. I think we are on our way tonight to single digits because in the modern history of this country there has never been a process as absurd as what we are seeing right here.

We are talking about legislation that impacts one-sixth of the American economy—over $3 trillion. We are talking about legislation, because it is healthcare, that impacts every man, woman, and child in this country.

Mr. President, maybe you can help me. How many public hearings have we had dealing with legislation that is of enormous significance to tens of millions of people? Well, I will help you with the answer: There have been zero hearings.

What impact will this legislation have on doctors who are trying to treat us every day? One might think that we would hear from the doctors of the American Medical Association. We tell you this legislation would impact their work. We have not had one public hearing to hear from one doctor.

What has the American Hospital Association had to say about how this legislation would impact hospitals in America, many of which may close down? They have not had one moment, one opportunity to say one word on this legislation.

We are proceeding here with major legislation written behind closed doors by a handful of Republicans. Most Republicans have not been involved in this process, let alone Democrats, let alone the American people.

By the way, when we think of the American people, how do they feel about this legislation? Well, the last poll that I saw was USA Today. They had 12 percent of the American people thinking that this legislation makes sense. Well, maybe the people got it wrong. How do the major healthcare organizations in America feel about this legislation—the people who are on the cutting edge, the people who do the work every day? Well, guess what, The AMA, the American Medical Association, is opposed; the American Hospital Association is opposed; AARP, the largest senior group in America, is opposed because they know the horrendous impact this will have in raising premiums for older Americans. The American Cancer Society is opposed; the American Heart Association is opposed; the American Academy of Family Physicians is opposed; the American Academy of Pediatrics is opposed; the American Psychiatric Association is opposed. Virtually every major national healthcare organization is opposed to this disastrous legislation.

So the American people are opposed, and the healthcare organizations all across this country are opposed. The bill was written behind closed doors. Yet, under those circumstances, they want to bring it to the floor for a vote.
Now, what most Americans are sitting around and thinking—they are saying: Look, the Affordable Care Act has done some good things. Before the Affordable Care Act, we had some 50 million people without any health insurance. The Affordable Care Act provided insurance for about 20 million people. That is no small thing.

In the majority leader's own State of Kentucky, the rate of uninsured went from 18% to 7%. That is pretty good—not great, but it is pretty good. In West Virginia, the rate of uninsured went way down. We have seen 20 million people gain insurance. We have dealt with the Affordable Care Act under a total obscenity: that is, if somebody had a serious illness—breast cancer, diabetes—they could not get insurance at an affordable cost because of a preexisting condition. How insane is that? The American people want answers to: How do you improve healthcare in America when you throw 16 million people off of the health insurance they currently have? How do you improve healthcare in America when, according to the CBO, premiums are going to go up 20 percent every year? Let's get that clear: 20 percent on health in the following year—that is 40 percent—and another 20 percent the year after. Do you think this is really improving healthcare, bringing freedom to the American people? I think not.

So what is this? The solution is—I know this is a radical idea—that maybe we should do what the American people want us to do and not what special, powerful interests want, not what billionaire campaign contributors want—whose rightwing ideology wants to end government services for working families all across this country.

I hope that we will have the common sense and the decency to sit down, throw the problems on the table, and then receive what we can do that. That is why we have to end this absurd process. We have to go back to regular order, which simply means go back to the committee.

I am a member of the Health Education, Labor and Pensions Committee. Let's have that discussion. Let's hear different ideas. Let's solve problems. Let us not make a bad situation worse, and let us not make the American people even feel more contemptuous of this institution than they currently do.

Thank you.

I yield the floor. The PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. I thank my colleague from Vermont.

MR. PRESIDENT, I could not stand with the working people of this country. Prescription drug costs are too high. I am going to take on the pharmaceutical industry. We are going to lower prescription drug costs in America. Today, if you can bring to the doctors what should. We have to lower deductibles. Copayments are too high. Premiums are too high. I will tell you something else. Donald Trump ran for President, and he campaigned on—and I am going to stand with the working people of this country. Prescription drug costs are too high. I am going to take on the pharmaceutical industry. We are going to lower prescription drug costs in America. Today, if you can bring to the doctors what should. We have to lower deductibles. Copayments are too high.

Mr. President, in my hand is one of the closely kept secrets in Washington, DC. These eight pages have been so carefully guarded that for 3 days, we have been on the U.S. Senate waiting for this moment. Within the last hour, the Republicans finally released their plan to change healthcare for every American. We have been waiting a long time.

They have been meeting behind closed doors, in secret sessions, writing what I have in my hand. You have to think to yourself, why would they do it in secret? If this is something that will affect every American, family, business, and individual and if they are proud of what they have done, why did they wait so long? Well, when you read it, you can understand it, because this measure proposed by the Republican leadership makes things worse for American families when it comes to health insurance.

It has a great name. I am sure somebody invested time thinking about this one: The Health Care Freedom Act. It appears that for 16 million Americans, they will become free of health insurance protection: 16 million Americans will lose their health insurance protection because of this Republican plan. Every other American buying health insurance will be free to pay 20 percent more each year for the premiums on their health insurance. You don't have to be a math major to figure out compound interest at 20 percent a year. By the fourth year, you are knocking on a 100-percent increase in premiums. Your health insurance premiums will double in about 4 years under the Republican plan.

Is that what they started this debate, so they could take health insurance away from millions of Americans and raise the cost of health insurance for others? Four Senators had a press conference this evening at 5 p.m. I watched it carefully. I listened as my colleagues from Vermont and this body invested time thinking about this proposal. None other than Senator John McCain, he came to this floor a couple of days ago. It was a historic moment. Everyone—one both political parties—was cheering this man whom we have served in his State, and it didn't raise the cost of health insurance for people he represented in his State, and it didn't achieve the goal of reforming and repairing the Affordable Care Act. I will quickly add—because you will think, well, we expect the Democrats to say this—Senator John McCain was a member of four Republican Senators about 6 hours ago. They had read the Republican plan and called it a "fraud," a "disaster," raising premiums, and not really bringing reform to healthcare in America.

It will take only one of those four Senators to stand up and speak up and vote no for the right thing to happen— for this proposal to go to committee where it should have started and to be come tempered by the experts first, so we know its real impact, and then to have an amendment process where better ideas might be offered and debated and added to this proposal—benefits voted out of committee. Then bring it to the U.S. Senate for the same thing to happen.

Do you know who came up with the radical idea that we should go through the committee process and both parties participate in writing it in our form? None other than Senator John McCain. He came to this floor a couple of days ago. It was a historic moment. Everyone—one both political parties—was cheering this man whom we have served with and love and respect. And he warned us. He warned us that if we didn't do this together—Democrats and Republicans—the results would be terrible.

Can you afford terrible results when it comes to healthcare for your family, for you, for your baby? Of course, you can't. We have to do our level best not to win the political debate but to win the confidence of the American people that we understand how to make healthcare better and more responsive in America.

I have been through a lot of measures, and I have voted on a lot of things over the years. My proudest vote was for the Affordable Care Act, because I knew we would extend the reach, protection, and peace of mind of health insurance to millions of Americans.
July 27, 2017

CONGRESSIONAL RECORD — SENATE

S4405

I had an experience early in my life. I was newly married and had a brand new baby girl with a serious health issue, and I had no health insurance—none. I went to the local hospital here, waiting in the charity ward, in the hopes that the doctor who walked through that door would be the one who would save my baby’s life. I thought to myself: I will never let that happen again. I will have health insurance, no matter what it takes, the rest of my life. I know the feeling, and some other folks feel the same at home.

I don’t want American families and individuals to go through this. I want them to have the peace of mind and protection of good health insurance. That is why this Republican proposal taking health insurance away from 16 million Americans is such a travesty. That is why the notion of raising health insurance costs beyond the reach of working families is so wrong and so disgraceful, and that is why, with the help of one more Republican Senator, we can send this measure back to a committee where it can be seriously considered, worked on, improved, and passed so that we can say to the American people: We did our job as Senators. We did what JOHN MCCAIN challenged us to do—to come together on a bipartisan basis and to make this a better bill.

I am glad my colleagues are here this evening. I am glad to see my friend from Wyoming here. We know what it is like to be here. We have worked on many issues together. We disagree on this one, but I hope that he will realize and the others will, too, that this secret that they have kept from the American people is plain wrong. It is a secret that now it has been outed. It has to be put to rest. It has to be put to rest.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I stand today sort of feeling like a great New Jerseyan named Yogi Berra, who has a saying that “this is deja vu allover again.” The reason why it feels like deja vu all over again to me is because I have been watching this process move along. When the House first tried to push through a healthcare bill, I was so proud that the American public—Republicans, Democrats, those who support this, those who supported this bill—those who opposed it, they were outraged and stopped that version 1 in the House. But then version 2 was rushed through without a CBO score, and they got it done. We heard Republicans in the House literally saying on the record: I so hope that they will fix this in the Senate; maybe something will happen in the Senate that this will get fixed.

Well, now I have deja vu all over again, and it is because we see a whole bunch of folks—and now we have heard Republicans say this on the record: Gosh, we know what we are doing is flawed; we know what we are doing is wrong; we know the process has been outrageous, but our hope is, if we can get it into the conference committee, then they will fix it in the conference committee.

Well, I am proud to be a U.S. Senator. But, dear God, this is not what our Founders intended. They established this Republic on the back of their responsibilities off to derelict their duties, and to not make legislation happen here that puts putting people first. We all know this process is broken. We all know what we are doing here is not just imperfect. Many of us see this, like the CBO, as a serious threat to millions of Americans.

We are about to do something that is unconscionable to me to be in the Senate, where I have seen this place work. I have seen regular order. I have seen hearings, I have seen witnesses brought in, and I have seen people work hard on crafting actual legislation. So now this is just going to be shoved over with the hope in this body that, even though the House didn’t do their job and the President, the leader of our country, and the Senate did, we can all get on with this “mean,” it gets kicked over to the Senate and the Senate is refusing to do their job. They are just passing the buck to something called a conference committee, where they are going to hope again.

So I stand here, and I just have to confess that this has been 2 days for me where I haven’t just been frustrated and angry like so many Americans. I have had to deal with being sick, with being a little sick. I started feeling it about 2 days ago. By yesterday my throat was so sore, I went to bed. I had a horrible night, got up, and could barely even swallow. I had the worry in my head that maybe I had strep throat.

But guess what. Unlike the thousands of New Jerseyans who have reached out to me, for me to worry about an illness, maybe that I have strep throat—I went to a doctor today. I had myself tested for strep. You see, we, in this body, enjoy health coverage, which right now millions of Americans are worried about losing, and many others worry, as we heard today, about copays and prescription drug costs. I wonder where the justice is in that.

What are the American values that hold us all together? I know we pledge allegiance to that flag. We put our hands on our hearts, and we swear this oath to liberty and justice for all. Where is the justice in this country, where some people are chained to poverty, have to sell their cars, have to sell their homes, are imprisoned by fear and worry and stress because they have a sick child or they have a parent who is elderly and needs care? These are the values of this country, and I don’t understand how we could be at this moment right now with the ideas that I have heard on both sides of the aisle to make healthcare better, to improve upon the Affordable Care Act, to extend health coverage to even more people, to make this Nation live up to its most powerful and profound values made us a light unto nations, and how we could have gotten to this point now after gaining ground, after having more people experience the freedom and the liberty that comes from not having to worry about your health coverage, from having access to quality healthcare? How can we have moved forward and now be about, in a matter of hours, to push this Nation back? I don’t understand how we could be here when we have a President who can justify the process and no one can justify this body having gone through such a convoluted process that bodes our traditions and breaks our values. I do not understand how we could have gotten here.

Who will be hurt? Who will be hurt? I have read lots of studies recently about how, when health insurance rates go down, mortality rates go up, and when health insurance rates go down, mortality rates go up. It makes me wonder about the duty that we each have to each other and to the Constitution. As a man of faith, it makes me wonder about all of us who profess our faith and how we could be allowing a process...
to go forward where the most vulnerable among us will face fear and deprivation and will see things that will cost life and have them surrender liberty. We are better than this. This Nation is greater than this.

This moment casts a shame and a shadow over the soul and the heart of America, and I will fight even in these last hours with every breath that I have, like the patriots before us, not to allow this to happen to my fellow Americans. This is unjust, this is wrong, and we can and must in these hours do better.

Let’s send this bill into committees. Let’s do this process as this institution was designed to have it done. Let’s open the doors of the Capitol and invite America to come—the American Medical Association, the American Cancer Society, hospital associations. Let’s invite the AARP. Let’s have America come down here. Let’s join together like our forefathers and foremothers have done to stand and liberty, to expand opportunity, to extend hope. We can do that. All of us collectively have that power, and it is what the people want right now. This is not what the people want.

What are we about to vote on has only seen the light of day for a matter of minutes now—a matter of minutes.

This Nation was founded with a proclamation that we the people—this idea that all of us together—can do better, that when we join together, when we stand together, when we fight together, and when we work together, we can create a transcendent reality. That is the story of America, and this is not. This is the betrayal of our values. This is the betrayal of our history. This is the betrayal of the great body in which we all are Members.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. KANE. Mr. President, I also rise with the privilege of speaking briefly on behalf of my colleague from Hawaii and our friend from Hawaii and our friend from New Jersey. We have all spent months going from town to town in our States having people come plead with us for solutions. I shared stories about being in the medical clinic in

onsense authorizing bill to the floor.

I also support the motion to do what we should have done in January—to commit this important topic to the committee that has jurisdiction over it.

A few years ago, there was a popular thing to do, and that was to wear a button or bracelet with the letters WWJD. That button and bracelet stood for "What would Jesus do?" What would Jesus do on the floor the other night, and I don't think that is a very hard question because in Matthew 25, he basically tells us: I was sick and you cared for me. In different translations: I was sick and you looked after me. I was sick and you visited me. I was sick and you took care of me. I think the answer to WWJD is pretty straightforward tonight.

I am going to talk about a different John McCain. John McCain, based on the tremendously moving presentation he made on the floor the other day, one that led us to a standing ovation because he talked about how this body should work, he said that things weren't working here as they should and that American people are said we needed to fix the Senate and be an example for the public. We needed to restore confidence, and the way to do that would be to return to operate as the Senate should operate, with putting bills in committees and having hearings and listening to the public and, most importantly, listening to each other.

That is the process John McCain's committee just used, the Armed Services Committee, to get a unanimous defense authorizing bill to the floor, which I hope we will take up in the next few days.

I just want to spend a few minutes talking about if that is what we should do. These words lie on our feet in a standing ovation, why are we standing here 2 days later preparing to break every suggestion and recommendation he made to us?

When should we start the process of listening to each other and listening to the American public? Should we start on an inconsequential issue that doesn't matter? I think now is the time to start. I think we all know it is the time to start. If we didn't believe in that moment that was the time to start fixing this place, we wouldn't have leapt to our feet and given Senator McCain a standing ovation. This is the time, and this is the issue to start fixing this place and doing what we do with the spirit that is worthy of the American people who sent us here.

Why is now the right time? First, because this issue is so important to people. You heard moving—moving—words from our friend from Hawaii and our friend from New Jersey. We have all spent months going from town to town in our States having people come plead with us for solutions. I shared stories about being in the medical clinic in
Appalachia a week ago tomorrow and seeing the tremendous need in this richest and most compassionate Nation on Earth.

There is nothing about a person’s life that is more important than their health. There is no expenditure that a human being ever makes that is as important as an expenditure they make for their health. This is the right issue to start fixing this place because it is important to people.

It is important to the economy. This is the largest sector of the American economy. We are proposing to reorient one-sixth of the American economy on a snap vote, in the middle of the night, without having a single hearing or listening to a single expert.

It is an important issue because we definitely need to hear from the public. You know, committee hearings sound kind of wonky. We haven’t had a committee hearing. What does that mean? What it means is, we haven’t had a witness table where a patient or a doctor or the American Cancer Society or others could stand up and share their points of view. We need to listen, and if we don’t listen, we will not get this right.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. Kaine. I ask unanimous consent for 2 minutes to close, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. Kaine. The time is right because the consequences are so severe: 16 million people lose insurance, 20 percent premiums compounding over the years, insurance markets skyrocketing and unstable, and Planned Parenthood defunded—the healthcare provider of choice for 3 million women.

The final reason we should do this the right way, not the wrong way, is what was said by Senator Graham just a few hours ago. He described the bill that kills patients on the floor, the skinny repeal, the skinny bill, as a policy is a disaster as a replacement for ObamaCare. It is a fraud.

Is “fraudulent disaster” the best that the United States Senate can do now? Is that now the bar we have to get over? If we can say something is a fraudulent disaster, it is suddenly good enough to vote for? That is salt in the wound of a family that is worried about their sick child. That is salt in the wound of a body who is worried about what would happen to their family tomorrow. Will they lose insurance? Will they pay more? Will they be blocked from going to Planned Parenthood? If this body passes a bill that even Members who claim it claim is a fraudulent disaster, how do you think the American public will view this body? How will they view the degree of care and concern we exhibit to them?

This is not the best the Senate can do. We can do much better than this, we matter more than this, and I ask my colleagues to send this to committee where we can listen to one another and get this right.

Thank you, Mr. President. I yield the floor.

Ms. Collins. Mr. President, a few issues are as important or personal to the American people as healthcare, which is why this debate has been so fervent and the underlying problems besetting healthcare in America. Earlier this week, this body struck down that proposal by a vote of 43 to 57.

A separate proposal that would simply repeal the ACA without a replacement also failed, by a vote of 45 to 55. The legislation CBO would result in 32 million people losing their insurance, bringing the total number of uninsured Americans to 60 million a decade from now. Clearly, that is going in the wrong direction.

In a final effort to reach consensus, Republican leaders have pieced together a plan that would repeal key portions of the ACA while punting on many of the more difficult questions. While I support many of the components of this plan, it will not provide the market stability and premium relief that is needed. In fact, a bipartisan group of Governors wrote Senate leaders this week, urging rejection of this so-called skinny plan, which they say “is designed to accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to coverage.”

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

Also included in all of these plans is a misguided proposal that would block Federal funds, including Medicaid reimbursements, from going to Planned Parenthood. Millions of women across the country rely on Planned Parenthood for family planning, cancer screening, and basic preventive healthcare services. Denying women access to Planned Parenthood not only robs women of access to care, but when patients choose the healthcare provider who best meets their needs, but it also could impede timely access to care.

If Planned Parenthood were defunded, other family planning clinics in Maine, including community health centers, would see a 63 percent increase in their patient load. Some patients would need to drive greater distances to receive care, while others would have to wait longer for an appointment.

Let me be clear that this is not about abortion. Federal law already protects the use of Federal funds to pay for abortion except in cases of rape, incest, or when the life of the mother is at risk.

This is about interfering with the ability of a woman to choose the healthcare provider who is right for her. This harmful provision should have no place in legislation that purports to be about restoring patient choices and freedom of choice.

We need to reconsider our approach. The ACA is flawed and in portions of the country is near collapse. Rather...
than engaging in partisan exercises, Republicans and Democrats should work together to address these very serious problems. In their letter to Senate leaders, the bipartisan group of Governors correctly notes that, ‘True, lasting reforms can only be achieved in an open, bipartisan way that means going through the regular process of committee hearings; receiving input from expert witnesses such as actuaries, Governors, advocacy groups, and healthcare providers; and vetting proposals with our colleagues on both sides of the aisle. It needs to be a much more deliberative process, and I am pleased that Chairman Alexander has expressed a willingness to begin hearings in the Senate Health Committee. Neither party has a monopoly on good ideas, and we must work together to put together a bipartisan bill that fixes the flaws in the ACA and works for all Americans. There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 26, 2017.

Hon. MITCH MCCONNELL, Majority Leader, U.S. Senate, Washington, DC.

Hon. CHARLES E. SCHUMER, Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: As the Senate debates the House-passed American Health Care Act, let me urge you to set aside this flawed bill and work with governors, both Democrats and Republicans, on solutions that will make health care more available and affordable for every American. True, lasting reforms can only be achieved in an open, bipartisan fashion. We agree with Senator John McCain that the Senate should “return to regular order,” working across the aisle to “provide workable solutions to problems Americans are struggling with today.”

Cosmetic fixes should be working to make health insurance more affordable while stabilizing the health insurance market, but this bill and similar proposals won’t accomplish these goals. The bill still threatens coverage for millions of hardworking, middle class Americans. The bill’s Medicaid provisions are not connected to states and fail to provide the necessary resources to ensure that no one is left out, including the working poor or those suffering from mental illness or addiction. The Senate should also reject efforts to amend the bill into a “skinny repeal,” which is expected to accelerate health plans leaving the individual market, increase premiums and result in fewer Americans having access to coverage.

Instead, we ask senators to work with governors on solutions to problems we can all agree on—fixing our destabilized insurance markets. Improvements should be based on a set of guiding principles, which include controlling costs and stabilizing the market, that will positively impact the coverage and care of millions of Americans, including many who are dealing with mental illness, chronic health problems, and drug addiction.

The next best step is for senators and governors of both parties to come together to work to improve our health care system. We propose setting up a bipartisan task force of lawmakers in an open, bipartisan way to provide better insurance for all Americans.

Sincerely,

John W. Hickenlooper, Governor of Colorado;
Steve Bullock, Governor of Montana;
Brian Sandoval, Governor of Nevada;
Larry Hogan, Governor of Maryland;
Tom Wolf, Governor of Pennsylvania;
John Bel Edwards, Governor of Louisiana;
Terence R. McAuliffe, Governor of Virginia;
Charles D. Baker, Governor of Massachusetts;
John E. Kasich, Governor of Ohio;
Phil Scott, Governor of Vermont.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, for 2½ days I have been listening to the same rhetoric. It sounds like deja vu. For 2½ days we have been hearing that I have been giving extra time to the other side to speak. I have been hoping out of that I would get one constructive suggestion for what could be done with healthcare. It has all been criticism. It has been criticism against all cuts. Even tonight, after the bill was read here on the floor, I heard that we were changing Social Security. We are not changing Social Security. We can’t change Social Security under the budget.

The next best step is for senators and governors of both parties to come together to work to address these very serious problems. In their letter to the Senators on the other side of the aisle said: If you just take Medicaid out, I will be for it. Well, Medicaid is not in this version so that ought to be some kind of a commitment on it.

I keep referring to this book, which goes back to a lot of the history that we have experienced here. Here is what has happened, and all of this is footnoted. I was reading at first the footnotes. I didn’t check out all the footnotes, but I did look to see if they were footnoted.

Under the bill that we are trying to make some changes to, there have been costs from new taxes. There are 21 taxes that have been included in ObamaCare, but the most enormous one is the increased taxes on healthcare companies that are then passed on to the public as higher costs for insurance and pharmaceuticals.

I have heard that word “pharmaceuticals” thrown out a lot, and I agree there are things that need to be changed there. I do remember the pharmaceuticals joining in on the process of getting ObamaCare passed because they did this little thing with the Pharmaceutical Part D, where there was the doughnut hole, and through the doughnut hole we were hoping that people would switch to generic, but the pharmaceutical companies said: No, no, no. If you will stick with the brand name, we will cover you through the doughnut hole. Do you know why? Because people, as they go through the doughnut hole, go beyond the doughnut hole, and beyond the doughnut hole the Federal Government picks up the cost of the name brands—the name brand pharmaceuticals. My insurance commissioner was by to visit with me, and he mentioned that I have twins in Wyoming, and they have a rare disease. There is a prescription for it, and the prescription is costing $30,000 a year each. Well, that is quite a bit of money, and I am not paying for that up. Then the name brand pharmaceutical company bought out the generic one. This was generics they were getting.

So now they have to have name brand because the generic is not in the market now. The cost? It is $1.6 million for each kid, each year.

That is why the companies, why the insurance companies are dropping out.
of the market. I mean, Wyoming is the least populated State in the Nation, and an insurance company that is limited to Wyoming is going to have to bear that $3.2 million worth of costs. So they are going to be saying: We are the only one covering Wyoming, and we won’t provide insurance in Wyoming either. We lost the other two companies already, and we are down to just one, but we have one, and they cover all of the counties, unlike—it kind of surprised me that the rules allow companies to just do some counties in some States.

Also, under ObamaCare, the insurance plans have to cover more. This includes plans for the patient who may not want a particular coverage but has to have this. It comes under the essential health benefits, which are required through HHS. This led to 5 million Americans losing their insurance in the individual market. Reduction of lower cost plans. High deductible [health savings accounts] are very important in reducing costs for individuals, families, and groups. A RAND study in 2011 found that an HSA/high deductible plan (with a deductible of at least $1,000) would reduce healthcare spending an average of 14%, compared not only for patients but also for employers and for total healthcare expenditures. These more effective plans have been reduced under ObamaCare.

Most of the young people on my staff were getting HSAs, and the reason they did is because they did a little bit of a calculation. They did a little bit of financial literacy. They looked to see what the plan was for the full coverage, and then they looked to see what an HSA would cost, and they said: Well, gee, if I take the difference in the cost between the regular insurance and the HSAs and I put that in one of these savings accounts that can grow tax-free, in a maximum of 3 years, I will cover any deductible that I might have.

So they considered that to be good insurance and they got to make a lot of their decisions.

But I don’t think we want individuals making their decisions; that appears to be how this is constructed. Then there is an increase in mandates, which is item No. 4.

Mandates existed before ObamaCare but have dramatically increased with ObamaCare. It added mandates “guaranteed issue and community ratings.” Both have been previously tried in the states. Such mandates distort the marketplace and drive up the costs. Policies within the contracts that had more mandates could actually have doubled the cost of their premiums.

Increased costs by constraining hospitals and physician systems. There has been consolidation with increased hospital mergers by 50% compared with 2009. There has also been movement of doctor’s practices to connect with hospitals instead of having the contracts within the hospital system and then physician’s systems increased costs to the patients. For example, group practice charges increased costs 18% to 20% and specialty care charges increased costs even more, 34% after connecting the care with hospital systems. These changes in care i.e. changing practice systems into hospital-based systems have significantly driven up the cost of care for the patients.

6. Medical legal liability reform has not been a part of ObamaCare but is a significant driver of healthcare costs. That is not considered in it, and it is considered to be about a 10 to 25 percent increase in total costs. Mrs. MURRAY. President, may I respectfully ask the chairman a question?

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. ENZI. I think this is under my time.

Mrs. MURRAY. It is, and I just—

The PRESIDING OFFICER. Does the Senator yield for a question?

Mrs. MURRAY. Regarding time, I just have a question so that Members can know how to manage their time between now and the 45 minutes when we have the vote.

The PRESIDING OFFICER. The Republicans have 46 minutes remaining; the Democrats have zero.

Mrs. MURRAY. If I could just respectfully ask the chairman, since we have only had this bill for an hour, we have, as you can see, a number of Senators who want to speak. I would just respectfully ask if there is any time we will have between now and the vote to make any comments, since we have just had, for a very short amount of time, the bill that we will be voting on, which will obviously impact millions of Americans.

Mrs. MURRAY. Mr. Chairman, I—

Mr. ENZI. They speak to the process, and I think we have already covered that in 3 days.

Mrs. McCASKILL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mrs. McCASKILL. Mr. President, will you yield for a question about the bill? He clearly knows more about the health care reform, which includes the things that I have mentioned that aren’t even in the bill. Our side has some time, and I would like to use some of that time. As I have been through this process for a long time now—I have been on the Health, Education, Labor, and Pensions Committee for the whole time that I have been here, which is 20 years. Of course, it wasn’t Health, Education, Labor, and Pensions when I first got here, but we thought that that was a clever acronym: We are from the Federal Government, and we are here to help you. There are a lot of people back home who don’t think we really help out much.

But, at any rate, the small business health plans, after three of us were in the Gang of 6 got thrown under the train or under the bus or whatever it was, small business health plans were changed to co-ops, and they were given a significant amount of money to work with, and they haven’t fared very well. I see the kind of information about the co-ops here. Again, this isn’t stuff that I wrote; this is stuff somebody else wrote and footnoted and sent to all of us. Again, the name of the book is “Demystifying ObamaCare: How to Achieve Healthcare Reform.” It gives some good suggestions.

He does point out that “ObamaCare is not a system of healthcare, nor is it that if you are a small business and you have over 50 employees, you have a problem. I have people in Wyoming who come to me and say: I have this business. It is working really well, and in the next town over and most of the towns aren’t big enough to hold two of the same kind of store—so in the next town over, I would like to put in the same kind of shop.

My question to them is: How many employees do you have? Most of them have said: Well, I have about 48 employees. I said: How many will you need in the other store? They said: Well, I hope to need the same amount of people.

I said: Well, the way this works, you are going to come under much increased healthcare costs, and you better take a look at that before you make your expansion.

So it has cost jobs that way. Now, with small business insurance, with the small business health plan—

Ms. WARREN addressed the Chair. The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming has the floor.

Ms. WARREN. Will the Senator from Wyoming yield for a question about the new study on the impact of ObamaCare on jobs?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Ms. WARREN. Will the Senator from Wyoming yield for a question about the time the bill that we will be voting on, which will obviously impact millions of Americans.

Mrs. MURRAY. Mr. President, will you yield?

Mr. ENZI. I will not yield. I would appreciate the same courtesy from that side that I gave to you when you were doing your expositions about healthcare, which included the things that I have mentioned that aren’t even in the bill. Our side has some time, and I would like to use some of that time. As I have been through this process for a long time now—I have been on the Health, Education, Labor, and Pensions Committee for the whole time that I have been here, which is 20 years. Of course, it wasn’t Health, Education, Labor, and Pensions when I first got here, but we thought that that was a clever acronym: We are from the Federal Government, and we are here to help you. There are a lot of people back home who don’t think we really help out much.

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 Mr. ENZI. Mr. President, I think we have a motion to commit and the right for the other side to do other amendments. I would hope that some of them would be constructive, but I am not expecting that. As I said, I have been listening for 3 days and actually listening a lot longer before that time.

I could talk about some of the things we can learn from ObamaCare, because we should. We can learn that decisions have to be made by the patients and not by the bureaucrats for the govern- ment. There are some key examples of when the government starts making those decisions. I don't have to pick on ObamaCare for it necessarily; the VA has had a few problems, and I am sure all of you have been working casework on what the VA has been doing. That is where the government and the bureau- crats are making decisions. We have been through some enormous times on that. That is why we did the Choice Act, and the Choice Act had a lot of problems. That is government healthcare.

People say: Well, Choice got to go outside of the government.

That is not quite true. I think the folks with the VA please the compa- nies you have to go through for healthcare, and when they did, they didn't want it to be efficient. They wanted as much of it as possible to come back to the VA. I am sure all of us, as we travel across our States, are running into people who are having problems with providers not getting paid or not being able to get their appoint- ments. If you check with the provi- ders, you find out what kind of a ter- rible process they have to go through to get paid. That is government healthcare.

In my State, I provide the VA with a list every week of the new cases I have of people who are not getting care. They didn't want it to be efficient. But they told me when I first inquired: Well, there are only two doctors who haven't been paid.

I said: That is impossible. There are more than two doctors in my own town who haven't been paid, and there are a lot of towns in Wyoming—when I go to them, I hear that they are not paid.

They said: One was not paid for 30 days, and one wasn't paid for 45 days.

I said: Well, I don't know why either one. They didn't pay before those kinds of deadlines. But I can tell you there are a lot more problems than that.

So if we are thinking about going to a Federal healthcare—and I guess we aren't thinking about that because we had that vote a lit- tle bit earlier on whether we would have a single-payer system. I was amazed at the number of people who chose not to vote on that. At any rate, I don't think that is where America wants to go. I have heard some people ask me about that. I have given them some suggestions on where to check to see what kind of care they would get under that, and they have come back

Mr. ENZI. Mr. President, I have heard so many times that the other side would love to be cooperative, but I have yet to see cooperation. I am not going to take questions; I am going to— I really would appreciate it if you would just take some time to look at the bill. I have heard the rhetoric.

The PRESIDING OFFICER. The Sen- ate will be in order.

Mr. MURPHY. Maybe this time would be better used if you allowed us to ask you some questions about the bill. The PRESIDING OFFICER. The Sen- ate will be in order.

The Senator from Wyoming has the floor.

Mr. ENZI. Yes, and I have an hour, whether I use it or not. As I said, for the past few days I have been yielding some of the time to the other side. I haven't gotten much satisfaction out of that. I have listened for the last hour, and I didn't get any satisfaction out of that either. I did sit through all of it. I did listen to it. Again, it is complaints about the process, but no positive suggestions on what could be done.

There are taxes, mandates, regula- tions, lack of competition in the mar- ketplace, increasing costs. When I trav- el across Wyoming, I have people who have come up to me and they say: My insurance premium is bigger than my house payment, and it is growing. And they said: If something happens to us, my deductible is bigger than my year's premium. That shouldn't happen in America, but that is where we are. Those aren't isolated cases; those are a lot of cases. That is the situation we find ourselves in. We are not trying to hurt anybody; we are trying to fix some of the things.

As I said, for 8 years, every time there has been a waiver—that is part of that thing that I mentioned about the 70 changes to ObamaCare so far—a lot of these were waivers. Every time there was a waiver, I said: Why are we waiving this? Why don't we just fix it?

I was told: It is not broke; it just needs more time. Well, it never had more time. Last year—this was before the election, so you can't blame us. We had no idea who was going to be the President. We had no idea who was going to be in the majority. Last October, people started pulling out of insurance markets, and rates increased dramatically. You can't put that blame on us.

Mrs. MURRAY. Mr. President, par- liamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary in- quiry?

Mr. ENZI. No.

The PRESIDING OFFICER. The Sen- ator from Wyoming has the floor.

Mr. MURRAY. Mr. President, I just wanted to ask how much time is left on a bill that we haven't had much time to look at much in the last hour that we are going to vote on.

The PRESIDING OFFICER. The Sen- ator from Wyoming has 34 minutes re- maining, and the Senator has the floor.
to me and said: I don’t think that is where we want to go.

I know the other side of the aisle has wanted to go that way for a long time. When I first got here, Phil Gramm was one of my mentors, and I really appreciate his advice in those areas. One of the things he said to me was, you have to watch out for the marketplace because where the Democrats want to go is to single-payer healthcare. In other words, they don’t care who drives the train as long as it wrecks.

So I look back on ObamaCare and I say: Man, this was 18, 19, 20 years ago that he told me this. Is that where ObamaCare is supposed to go, to wreck the train so we can go to single-payer? I don’t think so, but I think we are on the way to a train wreck, and I am not hearing a lot of disagreement about the train wreck. I am hearing some disagreement about the amount of calamatity in the train wreck but not on whether there is going to be a train wreck.

There are a number of things we could do to take care of the costs that have gone up under this. That can be confronted within a free market as opposed to the government-run, government-controlled market we are under now. One of them is to reduce the tax burden. I did notice that I have a lot of people in Wyoming—again, we are one of the smallest or least populated in the Nation. We are big in land mass, but we are small in population. In Wyoming, $5.6 million was collected from people for fines for not having the adequate healthcare.

Those were people who said: Wait a minute, I have to spend so much on my healthcare, and then a high deductible that I am never going to get anything out of it. So when I calculate the annual cost, the $1,700 that I have to pay as the fine—or $1,500, somewhere in the annual cost, the $1,700 that I have to pay out of it. So when I calculate the annual cost, it is hard for me to think of the procedures I am having to pay for. Those were people who said: Wait a minute, I have to spend so much on my healthcare, and then a high deductible that I am never going to get anything out of it. So when I calculate the annual cost, the $1,700 that I have to pay as the fine—or $1,500, somewhere in the annual cost, the $1,700 that I have to pay out of it. So when I calculate the annual cost, it is hard for me to think of the procedures I am having to pay for.

There have been a number of suggestions. I don’t know whether they are going to be good or bad, but they are suggestions. They are some suggestions that they could ever imagine or that anybody could raise as an issue. There is a cost to doing that. One of the suggestions—

Mr. HEINRICH. Mr. President, I would ask if the Senator would yield.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. HEINRICH. Will the Senator from Wyoming yield for a question?

Mr. ENZI. I will not.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ENZI. It has been suggested that the government could have an appropriate role in healthcare by maybe using advanceable, refundable credits to prevent any lapse in coverage. One of the problems we have right now is that people can wait until they have something terrible happen to them, and then they can sign up for insurance on the way to the hospital—you can’t pay when you are in the ambulance, and you can’t pay when you are getting treatment, and you can’t pay when you are getting rehab—and when they are done, they drop out of it. It is hard for an insurance company to figure in the cost of something they are not going to get paid for at all.

There have been a number of suggestions. I don’t know whether they are good or bad, but this one is the median price, and they can sign up for insurance by default. Of course, the Senator from Wyoming has the floor.

Mr. ENZI. When I was chairman or ranking member of the Health, Education, Labor, and Pensions Committee, we switched from doing hearings to doing roundtables.

What you do with a roundtable is you pick 2 or 6 or 8 or 10 people who are actually knowledgeable in that field, who have actually done something, who have had their hands on what we were talking about.

I remember the first one. One of the questions at the end was by Senator Kennedy, and he asked the witnesses that he and I had selected. This wasn’t me selecting; this was a joint effort selecting them. He said: What do you think about single-payer insurance? As they went around, there was only one out of 10 people who said: Well, it might be a good idea, but we probably ought to take a look at it. The rest of them said: It won’t work in America. We are already used to something different.

When the hearing was over, Senator Kennedy said to me: You know, I think these roundtables is a good idea. I think it is a good thing to kind of hear about what the people are actually experiencing out there before we write the bill.

Well, we did a lot of healthcare roundtables. One of the witnesses was from Safeway. Safeway had been able to hold their costs level and started to bring them down. Of course, we were interested in anybody who could hold their costs level and then bring them down. The way they had done that was to find out what the costs of different procedures were in the area where they had stores. After they knew what the cost of the procedure was, they could take the median price for whatever it was, and if the people in their store would take the median price, it didn’t cost them anything. If they went above the median price, they had to pay the difference. If they went below the median price, they got the difference. So they were actually paying attention, using some financial literacy in any of the treatments they needed to get, and they appreciated that their company had done this research for them in advance so they could have some kind of an idea of what the market held. He estimated that if they were able to increase the flexibility they had with this, they could bring down their costs by about 5 to 7 percent a year.

I worked on a 10-step plan in conjunction with Senator Kennedy on a lot of it—and talked about it across the country and particularly across Wyoming. It would have been 10 steps to get healthcare for everyone without mandates but with incentives.

Mr. VAN HOLLEN addressed the Chair.

The PRESIDING OFFICER. The Senator will be in order.

Mr. VAN HOLLEN. I wonder if the Senator would yield for a question.

The PRESIDING OFFICER. The Senator will be in order.
Mr. VAN HOLLEN. Will the Senator yield for a question?

Mr. ENZI. The Senator will not yield. The PRESIDING OFFICER. The Senator declines to yield.

The Senator from Wyoming has the floor.

Mr. ENZI. Earlier I mentioned the CO-OPS. I would have preferred the small business health plans. I didn’t think the CO-OPS would work.

CO-OPS were included in ACA. Those plans were meant to provide competition with existing health insurance companies.

It was an opportunity to set up insurance companies that actually were funded.

The CO-OPS were given $2.4 billion in “federal loans.”

The CO-OPS were prohibited from having former healthcare executives with managerial or accrual experience.

The CO-OPS were conceived to drive down premiums by providing competition and underselling the cost for policies.

More than half the 23 CO-OPS went out of business in 2015, but 8 of the remaining 11 CO-OPS were in financial trouble.

The number of CO-OPS is now down to 7 (6 of them CO-OPS went bankrupt in 2016).

Examples of how the CO-OPS that have failed and have cost the taxpayers. In 2015, alone, there was a huge amount of money lost and also cost the enrollees in the CO-OPS their insurance.

New York Health Republic, 23,000 policies lost, $77 million dollars lost in the first half of 2015.

Iowan and Nebraska CO-Opportunity Health, 129,000 policies canceled, $146 million dollars lost. Arizona CO-OP, 58,000 enrollees lost their insurance, $.20 million dollars lost.

Colorado CO-OP, 89,000 enrollees canceled, $72 million dollars lost.

Ms. HASSAN. Mr. President, I wonder if the Senator from Wyoming has the floor.

Ms. HASSAN. Mr. President, I wonder if the Senator from Wyoming will yield for a question.

Mr. ENZI. No.

The PRESIDING OFFICER. The Senator does not yield.

The Sensor from Wyoming has the floor.

Mr. ENZI. Continuing: The [Health and Human Services] and administration officials knew that the CO-OPS were in serious financial difficulty and receiving “enhanced oversight” and “corrective action.” Dr. Cohen did not explain what that “enhanced oversight” and “corrective action” consisted of nor could she indicate the enrollment, to the extent of the possibility of financial survival for the CO-OPS that were being monitored.

Also, 4 more CO-OPS have failed over the first half of 2016, leaving only 7 remaining.

I am not sure what today’s number is.

The HHS continued to make these federal loans though they knew the CO-OPS were failing.

Under the small business health plans, there is no requirement to have the Federal Government fund it unless we want to fund more oversight. I am not opposed to that either.

Dr. Cohen did not explain what that “corrective action” or “enhanced oversight” consisted of nor could she indicate the enrollment, to the extent of the possibility of financial survival for the CO-OPS that were being monitored.

The disturbing question is whether any of the taxpayer’s loans were wrong.

I did say those were loans, and there aren’t many left that can pay back the loans, which is a little bit of a difficulty.

Of course we did hear that the ObamaCare Administration had very little regard for the American taxpayer and the American people.

The disturbing question is whether any of the taxpayer’s money will be returned.

We know from last year, which isn’t included in this, that it started doubling at that point.

From 2009 to 2012 healthcare, spending grew less than 4 percent; as spending started increasing dramatically in the first quarter of 2013, it is estimated to increase to 6.5% spending growth.

We know from last year, which isn’t included in this, that it started doubling at that point.

The disturbing question is whether any of the taxpayer’s money will be returned.

Deductibles both inside and outside ObamaCare exchanges have increased enormously and to increase.

Healthcare costs are now increasing more than inflation.

Why has spending increased? There has been increased utilization services. The increased healthcare spending thus led to higher insurance premiums. A particular cause of increased spending related to ObamaCare is a marketed increase in deductibles and health insurance premiums in the ObamaCare exchanges. Additionally, because of the increased number of patients with Medicaid expansion there have been increased costs. Healthcare costs will continue to rise.

The total healthcare spending for 2016 is estimated to increase to over one trillion dollars. I will get some updated numbers on that.

Total healthcare spending is rate of spending increase.

If I would have known that Medicare was going to be mentioned, even though it is not in the bill, I would have shown the little chart that I have, which shows how much revenue we get for different mandatory spending that we have.

All of those mandatory spending is in a little bit of trouble because the revenue streams to take care of them are not sufficient. At one point, they were sufficient in some of them, and the federal government doesn’t have any place to park cash. The federal government puts bonds in a drawer and spends the cash. That is kind of double dipping because there is nothing there for later.

There is a Social Security trust fund. I have learned from trust funds that you have to find money to put in before you can take money out. I never saw a trust fund that operated that way until I got here. We have some crises that are coming up. We are going to compound healthcare because for Federal pensions, we really don’t put any money away for them. We require business to put some money away and we have had some other suggestions. I have some small pension plans I would like people to look at, some pooling for that, which I think would encourage more people to have pension plans in small business.

But the cost of administration is extremely high unless they can share in that. All of them would require that there be money put away to be able to cover with rea-sonable growth in the interest of the fund so that what was promised could be taken care of.

In 2006, Senator Kennedy and I worked on saving some pension plans, trying to make sure that promises that were made could be met. We did a pension bill that needs to be redone again, particularly for some sectors of the pension.

The point I am making is that the Federal Government doesn’t do that with any excess funds we get. I don’t care if it is in healthcare or Social Security or where it is, those excess funds are allowed to be spent with bonds put in a drawer, with the promise that the Federal Government will cover them. I don’t know how many people at home believe that, but that is what it is.

How has the battle for the quality of healthcare fared? This gets covered in the bottom. Here is a little bit on the quality of healthcare and outcomes.

The infant mortality rate . . . has been used by politicians and others in political debate to describe the inferiority of the U.S. healthcare (system). U.S. ranked only 30th in the world (and the neonatal mortality below that). When you look at this data, however, you see that the U.S. is very different than the United States followed the World Health Organization definition that a live birth is any infant
that shows any sign of life, i.e. a baby that takes a single breath or has a heartbeat. Other countries however including both developed and underdeveloped countries use different standards. The definition of "live births" varies between different countries. For example, in Switzerland a newborn has to be 30 cm. long to be considered a live birth. In France, infants have to be at least 26 weeks to be considered as live births. Infants less than 24 weeks gestational age are excluded from registries of live births in multiple other countries including Japan and Hong Kong. In Canada, Germany, and Austria, the newborns weighing less than 500 grams are not considered viable and are excluded from the infant mortality rates.

What I am saying is, there are games that can be done with that, with the performance ratings, with the life expectancy data, with the Commonwealth Fund. All of these things are issues that we are embarrassed about and things we ought to be working on, things we ought to improve, things we ought to help with our country.

We need to be looking at all of those outcomes. Better outcomes, the cardiac disease outcomes, the stroke outcomes, the chronic illness outcomes, the hypertension outcomes, the diabetes and cholesterol outcomes.

We know that the earlier and more effective there is treatment of the disease, the better treatment of the disease for chronic disease, the better the results are. The more accessible and better technology there is, the easier it is for the patient to do that. It is an outstanding experience to sit in a wheelchair and go downhill with it.

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We need to keep putting things into innovation. I said a lot of times: If there is a problem in America and we put on a small incentive, there will be better outcome, the children didn't have the larger head.

Well, this man is a businessman. He said: That is good. That will provide part of a market, but there ought to be a bigger market for it. He said: I wonder if more people would have any benefit from having a diabetic pump? So he was able to move around.

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pledge. Don’t take my word for it. The Congressional Budget Office—the independent umpires—have told us the premiums are going to jump 20 percent next year as a result of this bill. That goes into effect, colleagues, January 1 of this year. Some happy New Year: Your premiums have jumped through the roof.

Colleagues, vote for this and try to explain it to the people you represent and have them tell you that there is not going to be anything they can sacrifice to pay for that rate hike. Their wages are flat, they are on an economic tightrope, and they are going to have to have premium hikes with a 20-percent hit.

The Finance Committee is accountable for funds that are critical for women’s health. This measure begins the effort to take away the right of women to go to the provider they choose. That, too, will be hard to explain to millions of Americans who simply want what we have: the right to make your own healthcare choices.

Colleagues, the damage may get worse. Skinny repeal could be the gateway drug to TrumpCare. We still don’t know what is going to happen with Medicaid and seniors are worried. Kids with special needs, disabled folks. If the Senate and the House head to a conference—that is a big “if”—this is the Senate and the House head to a conference with special needs, disabled folks. If worse. Skinny repeal could be the gateway drug to TrumpCare. We still don’t know what is going to happen with Medicaid and seniors are worried. Kids with special needs, disabled folks. If the Senate and the House head to a conference—that is a big “if”—this is the Senate and the House head to a conference with special needs, disabled folks.

My time has expired. I appreciate Leader SCHUMER getting me this time. The promises Senators have gotten to protect their constituents, those promises could well be in the trash can next year as a result of this bill. That is not what is happening. It is midnight. Debate is curtailed. We can’t amend it in the open. We can’t do what is needed. So I would plead once more with my colleagues to turn their attention and say the first thing that they hear is that the present law needs some changes. We are the first to want—maybe having heard our own lessons—that it should be done in a bipartisan and sharing way. Let’s start over.

We can do better. We can do better for all those people who are going to be hurt. We can do better for the tradiotions of this great institution. We can do better as Americans who love our country and love our democracy and love our process. It is not too late to turn back from this proposal ideologically driven and do better because we all are not proud of this product. I don’t think there is hardly anyone in this country, about 450,000 Texans who earn less than $25,000 a year are paying premiums as the major reason that skinny bill, after all the cries of reduction premiums as the major reason that ObamaCare needed changes, will raise premiums 20 percent a year, ad infinitum. The average working family is going to struggle to get healthcare even more than they have now.

Why is this being rushed through this way? Why is this being done in the dark of night? I can’t believe my colleagues are proud of it. If they were, there would be brass bands down the streets of smalltown America celebrating this bill. That is not what is happening. It is midnight. Debate is curtailed. We can’t amend it in the open. We can’t do what is needed.

Let’s make this a turning point, not just on healthcare but in how we function together. We plead with you, let us commit this bill. Let us vote against skinny repeal, and let’s work together to improve our healthcare system in the way our Founding Fathers intended us to improve it.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, let me thank my colleagues on the other side of the aisle for yielding us time.

This August body has been around for over 220 years. It has rules. It has traditions we are very proud of. In recent years—both parties to blame—many of those traditions have been eroded. What happens when you erode the traditions—the bipartisanism, the ability to work through the regular order—is very simply that the product that emerges is not very good. There is a reason this body has been the greatest deliberative body in the world, and it is because it had those traditions. Now we don’t.

We have a bill that we have seen for 2 hours. It affects the healthcare, perhaps the lives—almost certainly the lives—of millions. It affects the daily lives of men and women and children. We haven’t even had a chance to explore all the ramifications. There is a lot of anger on the other side at the ACA. I understand that, but you are repeating what you claim are the same mistakes the other side did.

Just as maybe ObamaCare could have been made better if it were a bipartisan proposal, this one certainly would have been made better. This skinny repeal, CBO tells us, will kick 15 million people—16 million people—off care. This skinny repeal will fulfill the cries of reducing premiums as the major reason that ObamaCare needed changes, will raise premiums 20 percent a year, ad infinitum. The average working family is going to struggle to get healthcare even more than they have now. Our Democratic friends, rather than trying to kill the bill, can help us make this bill better.

I suspect that based on their comments, that they really need—we need to have some sort of remedial legislation. What is the outcome of this process? But in order for the House and the Senate to work together to come up with a bill we both agree to, there is a conference committee, which Members of both parties can appoint Members to the conference committee to iron out differences. I don’t believe my friend, the Democratic leader, is really interested in working on a bipartisan basis to fix the structural defects in ObamaCare.

We know the individual market is in meltdown. Premiums are skyrocketing, contrary to the promises made by the President when the bill was sold. We know deductibles are so high that people are basically denied the benefit of their coverage and, yes, insurance companies are fleeing because they are bleeding red ink, and they can’t economically sell insurance on the exchanges anymore.

So we all know something needs to be done, but we are not interested in passing these insurance companies, bailing out insurance companies, which is what I have heard from our friends on the other side. Well, it is not true. It is not the only thing we have heard. We have also heard our friend from Vermont, for example, advocate for a single-payer system.

What this bill does do is it repeals the individual mandate, which to us is an unacceptable government coercion of American citizens forcing them to buy a product they don’t want and they can’t afford, because currently 23 million people are uninsured under ObamaCare. I thought it was supposed to provide coverage for everybody, but apparently not.

So I would plead once more with my colleagues to change the language and say the first thing that they hear is that the present law needs some changes. We are the first to want—maybe having heard our own lessons—that it should be done in a bipartisan and sharing way. Let’s start over.

We can do better. We can do better for all those people who are going to be hurt. We can do better for the tradiotions of this great institution. We can do better as Americans who love our country and love our democracy and love our process. It is not too late to turn back from this proposal ideologically driven and do better because we all are not proud of this product. I don’t think there is hardly anyone in this country, about 450,000 Texans who earn less than $25,000 a year are paying premiums as the major reason that skinny bill, after all the cries of reduction premiums as the major reason that ObamaCare needed changes, will raise premiums 20 percent a year, ad infinitum. The average working family is going to struggle to get healthcare even more than they have now.

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We are doing everything we can, given the fact that our friends on the other side of the aisle are simply sitting on their hands and not participating in the process, other than to try to undermine it.

We intend to pass a bill and go to conference with the House to make this bill better because our goal is to stabilize the markets, to bring down premiums, to protect people with pre-existing conditions, and to put Medicaid, the safety net for low-income Americans, on a sustainable path. You would think those would be things that our colleagues across the aisle would want to join us in and participate in but apparently not.

We need to move on. We can’t let the fact that our Democratic friends are unwilling to participate keep us from doing our duty the best we can under the circumstances, and that is what this bill represents. It is not perfect,
but it is better than the status quo, and we intend to do our duty.

Mr. President, I yield back.

**The PRESIDING OFFICER.** All time has expired.

**VOTE ON MOTION TO COMMIT**

The question is on agreeing to the Murray motion to commit.

Mr. SCHUMER. I ask for the yeas and nays.

**The PRESIDING OFFICER.** Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 178 Leg.]

**YEAS—48**

Baldwin
Bennet
Blumenthal
Boozman
Booker
Brown
Cantwell
Cardin
Carper
Collins
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken
Gillibrand
Harris
Heinrich
Hirono
King
Klobuchar
Corker
Cochran
Cassidy
Burr
Barrasso
Alexander
Crapo
Cornyn
Cruz
Cortez Masto
Cowan
Cochran

case of the Senate proceed to consideration of Calendar No. 175, H.R. 2810, the House-passed national defense authorization bill.

**The PRESIDING OFFICER.** Is there objection?

**Mr. MCCONNELL.** Mr. President, this is clearly a disappointing moment. From skyrocketing costs to plummeting choices and collapsing markets, our constituents have suffered through an awful lot under ObamaCare. We thought they deserved better. That is why I and many of my colleagues did as we promised and voted to repeal this failed law. We told our constituents we would vote that way, and when the moment came, most of us did. We kept our commitments. We worked hard, and everybody on this side can certainly attest to the fact that we worked really hard and tried to develop a consensus for a better way forward.

I want to thank everybody in this conference for the endless amount of time they spent trying to achieve a consensus to go forward. I also want to thank the President and the Vice President, who couldn’t have been more involved and more helpful.

So, yes, this is a disappointment indeed. To our friends over in the House, we thank them, as well. I regret that our efforts were simply not enough this time.

I imagine many of our colleagues on the other side are celebrating. They are pretty happy about all of this, but the American people are hurting, and they need relief. Our friends on the other side decided early on they didn’t want to engage with us in a serious way to help those suffering under ObamaCare. They did everything they could to prevent the Senate from providing a better way forward, including such things as reading amendments for endless amounts of time, such things as holding up nominations for key positions in the administration because they were unhappy that we were trying to find a way to something better than ObamaCare. So I expect that they are pretty satisfied tonight. I regret to say that they succeeded in that effort.

Now I think it is appropriate to ask, what are their ideas? It will be interesting to see what they suggest as the way forward. For myself, I can say—and we are—are safe to say this for most of the people on this side of the aisle—that bailing out insurance companies with no thought of any kind of reform is not something I want to be part of. And I suspect that not many folks over here are interested in that. It will be interesting to see what they have in mind, like quadrupling down on the failures of ObamaCare with a single-payer system. We had that vote a little earlier, thanks to the Senator from Montana. Almost everybody voted ‘present.’ Apparently, they didn’t want to make a decision about whether they were for or against socialized medicine—a government takeover of everything; European healthcare. Only four of them weren’t afraid to say they didn’t think that was a good idea. So maybe that is what they want to offer. We will be happy to have that debate with the American people.

It is time for our friends on the other side to tell us what they have in mind. We will see how the American people feel about their ideas. So, I regret that we are here, but I want to say, again, I am proud of the vote I cast tonight. It is consistent with what we told the American people we would try to accomplish in four straight elections if they gave us a chance. I thank all of my colleagues on this side of the aisle for everything they did to try to keep that commitment.

What we tried to accomplish for the American people was the right thing for the country, and our only regret tonight—our only regret is that we didn’t achieve what we had hoped to accomplish. I think the American people are going to regret that we couldn’t find a better way forward. As I said, we will look forward to our colleagues on the other side suggesting what they have in mind.

Now, Mr. President, it is time to move on.

**UNANIMOUS CONSENT REQUEST—H.R. 2810**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Friday, July 28, that is tomorrow—the Senate proceed to consideration of Calendar No. 175, H.R. 2810, the House-passed national defense authorization bill.

**The PRESIDING OFFICER.** Is there objection?

Mr. PAUL. Mr. President, I object.

**The PRESIDING OFFICER.** Objection is heard.

Mr. MCCONNELL. I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.
Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER

Mr. SCHUMER. Mr. President, first, let me say that it has been a long, long road for both sides. Each side had sincere convictions, and we are at this point. I want to say three things. First, I suggest that we turn the page. It is time to turn the page. I say to my dear friend the majority leader that we are not celebrating. We are relieved that millions and millions of people who would have been so drastically hurt by the three proposals put forward will, at least, retain their healthcare, be able to deal with pre-existing conditions, deal with nursing homes and opioids that Medicaid has paid for.

We are relieved, not for ourselves, but for the American people. But as I have said, over and over again, ObamaCare was hardly perfect. It did a lot of good things, but it needs improvement. I hope one part of turning that page is that we go back to regular order, work in the committees together to improve ObamaCare.

We have good leaders—the Senator from Tennessee, the Senator from Washington, the Senator from Utah, the Senator from Oregon. They have worked together in the past and can work well together in the future. There are suggestions we are interested in that come from Members on the other side of the aisle—the Senator from Maine and the Senator from Louisiana.

So let’s turn the page and work together to improve our healthcare system, and let’s turn the page in another way. All of us are so inspired by the speech and the life of the Senator from Arizona and he asked us to go back to regular order, to bring back the Senate that some of us who have been here a while remember. Maybe this can be a moment where we start doing that.

Both sides will have to give. The blame hardly falls on one side or the other, but if we can take this moment—a solemn moment—and start working this body the way it had always worked until the last decade or so, with both sides to blame for the deterioration, we will do a better job for our country, a better job for this body, a better job for ourselves.

Finally, I am glad that the leader asked us to move to NDAA. We need to do it. I say to my friends on this side of the aisle, we will move expeditiously. I know that the Senator from Rhode Island has worked with the Senator from Arizona on a list of amendments that can be agreed to, and we can finish this bill up rather quickly. As I mentioned to the majority leader, there are other things we can do rather quickly, including moving a whole lot of nominations.

We can work together. Our country demands it. Every place in every corner of the country where we go, the No. 1 thing we are asked—and I know this because I have talked to my colleagues from the other side of the aisle—is: Can’t you guys work together? Let’s give it a shot. Let’s give it a shot.

I yield the floor.

Mr. SCHUMER. The majority leader.

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, I just want to announce to all my colleagues that the next vote will be at 5:30 p.m. on Monday, on cloture on Kevin Newsom to be United States Circuit Judge for the Eleventh Circuit. There will be no more votes tonight.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 172, Kevin Newsom to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The question is agreeing to the motion. The motion was agreed to. The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I move to proceed to executive session to bring before the Senate the nomination of Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

By 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 Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.


Mr. McCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived. The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each. The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICEMEMBER STUDENT LOAN AFFORDABILITY ACT

Mr. DURBIN. Mr. President, student loan borrowers currently carry about $1.4 trillion in student loan debt. This breaks down to about 44 million borrowers holding student loan debt with an average balance of $30,000. This crushing debt has pushed many borrowers to delay important life decisions, including marriage, having children, or buying homes. Despite that, some still choose careers in public service to give back to their communities and support our country.

However, the immense burden of student loan debt is not put on those who are working for the next generation. The Servicemember Civil Relief Act protects our servicemembers from interest rates above 6 percent on all loans while they are on Active Duty. This protection extends to both public and private student loans taken out for service.

Public service loan forgiveness encourages people to become public servants by forgiving student loan debt after 10 years of public service, including military service. Under this program; borrowers must enroll in a qualifying repayment plan and make 10 years of payments while working in public service before the loan is forgiven. Additionally, borrowers with Perkins or Federal Family Education Loans must consolidate their loans into a Direct Consolidation Loan.

However, the act of consolidating these loans carries an unintended consequence for servicemembers. Currently, if a servicemember chooses to consolidate his or her preservice loans to qualify for public service loan forgiveness, those loans are no longer eligible for the 6 percent interest rate cap provided under the Servicemember Civil Relief Act. The act of consolidating old debt into new debt for the purpose of enrolling public service loan forgiveness is treated as creating a new loan under current law, effectively forcing servicemembers to choose between the 6 percent interest rate cap while they are on Active Duty and enrolling in a program that will forgive their loans after 10 years of service and steady payments.

Requiring servicemembers to give up the interest rate cap while on Active Duty for a chance to earn loan forgiveness in the future was never the intention of Congress. Rather, in enacting the Public Service Loan Forgiveness Program and the Servicemember Civil
Relief Act, Congress intended to support servicemembers burdened with student loan debt. We owe it to our servicemen to fix this unintended consequence. This week, Senator DUCKWORTH and I reintroduced the Servicemember Student Loan Affordability Act. This bill would allow preservice private or Federal student loan debt to be consolidated or refinanced while retaining the 6 percent interest rate cap. This minor change to the law will have a significant impact on servicemembers with student loan debt by allowing them to get the benefits Congress intended for them. The bill is supported by the American Legion, the Association of United States Navy, the National Guard Association of the United States, the Retired Enlisted Association, the Paralyzed Veterans of America, Veteran Education Success, The Institute of College Access and Success, and the National Education Association. I urge my colleagues to consider this simple solution to help servicemembers. I hope they will join Senator Duckworth and myself and support the Servicemember Student Loan Affordability Act.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 3001 of S. Con. Res. 3, the concurrent resolution on the budget for fiscal year 2017, allows the chairman of the Senate Budget Committee to revise the allocations and levels in the budget resolution for legislation related to healthcare reform. The authority to adjust is contingent on the legislation not increasing the deficit over the period of the total of fiscal years 2017 to 2026.

I find that amendment No. 667 fulfills the conditions of deficit neutrality found in section 3001 of S. Con. Res. 3. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Health, Education, Labor and Pension, HELP, and the budgetary aggregates to account for the budget effects of the amendment. I am also adjusting the unassigned to committee savings levels in the budget resolution to reflect that while there are savings in the amendment attributable to both the HELP and Finance Committees, the Congressional Budget Office and Joint Committee on Taxation are unable to produce unique estimates for each provision due to interactions and other effects that are estimated simultaneously.

This adjustment supersedes the adjustment I previously made for the processing of amendment No. 257 and adjustment applies while this amendment is under consideration. Should the amendment be withdrawn, fail, or lose its pending status, this adjustment will be null and void and the adjustment, as amended for amendment No. 267 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD as follows:

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 3, the Concurrent Resolution on the Budget for Fiscal Year 2017)

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BUDGET AGGREGATE—REVENUES

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REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 3, the Concurrent Resolution on the Budget for Fiscal Year 2017)

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COUNTERING AMERICA’S ADVERSARIES BILL

Mr. VAN HOLLEN. Mr. President, I voted in support of H.R. 3364, the Countering America’s Adversaries Act, which sanctions Russia, Iran, and North Korea. I call on President Trump to sign this package into law, without delay.

This act imposes tough sanctions on Russia for its illegal provocations, its attempts to undermine faith in the democratic process across the West, its support of the brutal regime of Syrian President Bashar al-Assad, and its intervention in Ukraine. Critically, the legislation prevents President Trump—who has repeatedly demonstrated his affinity for Vladimir Putin—from removing sanctions on Russia without the approval of the Congress. It sends a clear and unequivocal message to the Kremlin: the United States will not tolerate attacks on our democracy.

The administration has repeatedly certified Iran’s compliance with the Joint Comprehensive Plan of Action. This benchmark, multi-nuclear accord is a critical part of our effort to prevent Iran from obtaining a nuclear weapon and has made our partners and allies in the region safer. However, Iran’s ballistic missile tests, its support for regional terrorism, and its human rights abuses merit a strong response. This act codifies executive orders sanctioning Iran for these dangerous, nonnuclear actions.

Our response to North Korea—which U.S. officials now believe will be able to field a reliable, nuclear-capable intercontinental ballistic missile as early as next year—must be bold and comprehensive. While I support the economic sanctions imposed on North Korea under the Countering America’s Adversaries Act, I believe they fall far short of the aggressive sanctions needed to sever North Korea’s ties to the international financial system and create the leverage necessary for successful nuclear negotiations. That is why I strongly urge the Senate to pass the Banking Restrictions Involving North Korea Act, which I introduced with Senator TOOMEY. I look forward to working expeditiously with my colleagues to pass comprehensive sanctions on North Korea in the fall.

NOMINATION OF JOHN K. BUSH II

Mr. VAN HOLLEN. Mr. President, I cannot support John K. Bush II’s nomination to the U.S. Court of Appeals for the Sixth Circuit. Mr. Bush does not possess the temperament or discernment required of a Federal judge. He is not only a deeply flawed nominee; he is unqualified for a lifetime judicial appointment.

William Howard Taft, 27th President of the United States, 10th Chief Justice of the Supreme Court, and a judge on the Sixth Circuit Court of Appeals, once said, “Don’t write so that you can be understood, write so that you can’t be misunderstood.” Mr. Bush’s more than 100 blog posts, written under a pseudonym, cannot be misunderstood despite his attempts to distance himself from his writings. In his blog posts, Mr. Bush equated a woman’s right to abortion to chattel slavery, advocated for unwarranted eavesdropping by law enforcement, and spread conspiracy theories propagated by White supremacists, advocated violence and use of force against Democratic opponents, argued that journalist’s First Amendment rights should be weakened, and advocated for unlimited amounts of money in politics.

When asked to clarify his past written statements during his confirmation hearing, Mr. Bush did not deny having expressed these views; instead, he dismissed the stories as “fake news.” Mr. Bush does not possess the temperament or discernment required of a Federal judge. He is not only a deeply flawed nominee; he is unqualified for a lifetime judicial appointment.
Mr. WYDEN. Mr. President, I want to recognize Les and Eva Aigner, two brave Oregonians who lived through the horrors of the Holocaust. I want to honor Les and Eva in the Senate today and share how they survived Nazi atrocities and went on to live in Portland, where they have taught countless young men and women about the dangers of intolerance and hate.

Eva Aigner, nee Spigel, was born in 1937 in Kosice, Czechoslovakia, where she lived with her sister, mother, and father. Eva's father lost his business license due to growing anti-Semitism, prompting the family to move to Budapest. There they hoped they would be safe from Nazi extremism, but even in Hungary, as a Jew, Eva's father struggled to find work.

As time went on, new laws forced Eva and her family to wear the yellow star, and Eva and her sister were soon unable to attend school due to growing intolerance. Soon after, Eva's father was taken to a forced labor camp where he was killed. Eva and her remaining family members were then taken to the Budapest ghetto where the Nazis selected Eva's mother for deportation to a concentration camp.

The remaining children, including Eva and her sister, as well as the sick and the old who were unable to work for the Nazi war machine, were taken to the Danube in the middle of the night. Eva and her brother, after a 16-hour journey, were taken to the Auschwitz concentration camp.

Younger. The Aigners moved to Hungary in the early 1940s to escape the growing Nazi threat, settling in Csepel, on the outskirts of Budapest. Since Jewish children were not allowed access to higher education, Les went to a trade school to become a machinist. And Eva, with her successful completion of the course, was soon taken to a labor camp, and took Les to the camp.

Les spent 4 months in Auschwitz. He worked in the kitchen and survived by stealing food. During his imprisonment in the concentration camp, Les was injured after a guard threw a pitchfork through a window in the hospital with an infection from this injury, a Dr. Epstein warned Les that the Nazis planned to execute prisoners who were no longer able to walk. At Dr. Epstein's urging, Les limped out of the hospital with an infection from this injury, and was finally able to walk on his own. When Les was in the hospital, Dr. Epstein, a prisoner himself, saved Les's life that night.

Les then exchanged his clothing with another prisoner who wanted to stay behind. Les was then transferred to Landsberg, a sub-camp of Dachau. He performed hard labor for several months and was then transferred again to Kaufering Camp, where he contracted typhus before being sent to Dachau on the so-called Death Train.

By the time he arrived, Les weighed only 75 pounds. He was finally freed by American soldiers on April 29, 1945. It took over a month of treatment before Les was able to go home. By 1946, Les finally regained his health, he made his way back to Budapest, where he reunited with his father and older sister. Most of their family members had been killed.

After the war, both Eva and Les began to rebuild their lives in Budape-

1929. He had two sisters—one older, one

aged 80 years. Two years after her birth, Eva's extended family, who remained in Czechoslovakia, with the exception of one cousin, did not survive the Holocaust.

Like Eva, Leslie "Les" Aigner was born in Czechoslovakia. In his case, the small town of Nove Zamky, on June 3, 1929. He had two sisters—one older, one

1929. He had two sisters—one older, one

small town of Nove Zamky, on June 3,

The rest of Eva's extended family, who remained in Czechoslovakia, with the exception of one cousin, did not survive the Holocaust.

Like Eva, Leslie "Les" Aigner was born in Czechoslovakia. In his case, the small town of Nove Zamky, on June 3, 1929. He had two sisters—one older, one
of service to the U.S. Navy, our Federal Government, and the scientific community.

Tim Arcano has dedicated his professional life to serving our country, first in the military and later as a civil servant. His knowledge of ships and the oceans they sail and nuclear safety and capabilities has been developed through his education and in his myriad positions throughout the Navy and our Federal Government. Two of Dr. Arcano’s academic degrees were earned in Maryland, where he attended the U.S. Naval Academy, and later earned his Ph.D. at the University of Maryland. In addition, he holds an Ocean Engineer degree and a masters in mechanical engineering from the Massachusetts Institute of Technology, MIT.

Dr. Arcano’s first career was in our military, where he served for 30 years in both Active and Reserve service. As technical director and ship design manager for the Virginia Class Submarine Program, as technical authority for advanced submarines at Naval Sea System Command, NAVSEA, and as a program manager at the Defense Nuclear Facilities Safety Board, Dr. Arcano developed and managed programs that few can match. Those skills were further utilized in five Reserve commands.

Dr. Arcano’s dedication to our country continued after his transition from Active service to the Reserves in 1992 and his later retirement from the Navy as captain in June of 2008. He served as deputy chief of Nuclear Safety at the United States Department of Energy and as the director of the Office of Ocean Exploration and Research at the National Oceanic and Atmospheric Administration. During that time, he returned to the Naval Academy to hold the Corbin A. McNell Endowed Chair in Naval Engineering, where he created a course on engineering of submersible systems.

Dr. Arcano came to NSWC Carderock in May of 2013, bringing his wealth of experience and his knowledge of submarines through a course at the historic David Taylor Model Basin at Carderock. For 2 years, these competitors learn about hydraulic design, propulsion, underwater life support, materials science, and other scientific principles and their own designs for these vehicles. The lessons learned, both in science and engineering and in collaborating on a team project, help to fuel their enthusiasm for careers in science and technology. Dr. Arcano reflects his selflessness, his unparalleled leadership capabilities, and his devotion to our country. He commands the respect and admiration of all who have had the privilege to know and work with him. His leadership will be greatly missed, but he has left a legacy of scientific leadership that will continue to develop through the principles and practice that he exercised every day.

We are deeply grateful for his devotion to our country, his service to science, and to America’s future generations. I offer the thanks of a grateful nation to Dr. Arcano and, by extension, to his family—his wife, Brenda, their daughter, Heather, and their sons, Greg, Joseph, and Tyler—for as we all know, the support of family is critical. I am honored and pleased to recognize Dr. Tim Arcano for his outstanding career in public service and wish him all the best in his future pursuits.

TRIBUTE TO CYNTHIA K. DOHNER

Mr. BOOZMAN. Mr. President, today I wish to recognize the distinguished public service career of Cynthia K. Dohner. Cindy served the U.S. Fish and Wildlife Service with distinction and honor for more than 24 years and will leave the Service on August 30, 2017.

Cindy’s passion for the outdoors began at an early age while fishing and hunting with her father. These experiences encouraged her to pursue an education to ensure the outdoor way of life she enjoyed would continue to be available for future generations. She earned a bachelor’s degree in marine biology, a master’s degree in fisheries and aquaculture, and led a long career protecting fish and wildlife and their habitats.

Cindy worked for a private environmental consulting firm and held positions with the state and Federal agencies before joining the U.S. Fish and Wildlife Service in 1993. Prior to her time in the Southeast Region, Cindy worked with the Service’s Division of Fish Hatcheries and as the branch chief for Recovery and Conservation in Washington, DC. She moved to Atlanta in 1999 to serve as the assistant regional director for Ecological Services and later served as deputy regional director.

For the past 12 years, Cindy led the Southeast Region in its mission to make a difference for fish, wildlife, plants, and the people who live and work in communities across the region. As regional director, she has provided vision and leadership to more than 1,300 employees in 10 southeastern States, Puerto Rico, and the U.S. Virgin Islands and has positively influenced conservation successes and solutions nationally.

In Arkansas and throughout the Southeast, Cindy is recognized as an honest partner and innovative leader. She has worked alongside Arkansans’ fish farmers, catemen, and local elected officials, including the Association of Arkansas Counties, to achieve complex conservation challenges in a way that keeps working lands working, reduces regulatory burden, and helps local economies to thrive. Her responsiveness to private-sector concerns and willingness to find creative ways to conserve fish and wildlife resources has made a difference to wildlife and people alike.

Under her leadership, the Southeast Region has joined forces with States, private landowners, the Department of Defense and other Federal agencies, and several sectors of industry and business including energy, timber and finance among others to find creative ways to conserve fish and wildlife resources. This collaboration resulted in notable conservation successes including removing Arkansas Magazine Mountain shagreen snail and the Louisiana black bear from the endangered species list and precluding the need to list more than 100 fish, wildlife, and plant species. Cindy’s success and happiness in her future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO KEITH GEIS

Mr. BARRASSO. Mr. President, Wyoming has a longstanding tradition of recognizing individuals who make invaluable contributions to agriculture and communities across our State. Each year, Senator Enzi and I have the privilege of introducing honorees as they are inducted into the Wyoming Agriculture Hall of Fame. This year, Keith Geis will be honored as one of
these outstanding individuals during the 105th Wyoming State Fair.

In Wyoming, we talk a lot about the code of the West. “Take pride in your work,” “Always finish what you start,” and “Ride for the Brand” are just a few of the terms that motivates the way we live in Wyoming. Growing up on a dairy farm in Wheatland, Keith learned these principles early and abides by them today.

Across the state, Keith is well known for his steadfast commitment to strong Wyoming communities. After starting his career in banking and spending nearly two decades with the Farm Credit Services of America, Keith has served as the president of Platte Valley Bank in Wheatland for 15 years. In addition to his work at the bank, Keith is exceptionally active in his community.

The list of organizations, boards, and associations that have benefited from Keith’s leadership and involvement is long. He has served, among others, as a member of the Wyoming Agriculture Hall of Fame. Most notably, however, is Keith’s focus on the youngest members of our Wyoming communities.

Keith and his wife, Marie, have two children, several grandchildren, and have served as foster parents. Keith knows the community’s strength is in its future, and he has worked hard to ensure that the next generation will be as dedicated to our State as he is. As president of the Platte Valley Bank in Wheatland, WY, Keith works with agriculture producers every day, including young people whose 4H or FFA project may become a lifelong passion. His work to ensure the next generation of farmers and ranchers will have the capital and an understanding financial of- ficer is renowned across the State.

Selected as a member of the Wyoming Agriculture Hall of Fame is about more than a good calf crop or strong growing season. The people who grow crops, raise livestock, and provide the capital to make ranching possible are the people who give of their time to school boards, economic development groups, and even nursing home boards. Keith is one of the people who makes our Wyoming home so special.

It is with great honor that I recognize this outstanding member of our Wyoming community. Keith makes outstanding contributions to families across the State and sets an exceptional example for current and future generations of farmers and ranchers. My wife, Bobbi, joins me in congratulating Keith Geis as one of the 2017 inductees into the Wyoming Agriculture Hall of Fame.

TRIBUTE TO ZANE HEHNKE

• Mrs. ERNST. Mr. President, today I wish to recognize the distinguished accomplishment of Mr. Zane Hehnke of Winterset, IA, a 2017 finalist for the NFIB Young Entrepreneur of the Year Award.

• Mr. Hehnke, of Winterset, IA, is the founder and owner of Inspired Finds, an interior design company which specializes in designing and creating accents using vintage and antique items. I ask my colleagues to join me in proudly recognizing Mr. Hehnke on his outstanding achievements. We wish him nothing but the best in his future entrepreneurial and academic pursuits.

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.
Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were ordered printed:

By Mr. LANKFORD, from the Committee on Appropriations, without amendment: S. 1648. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115–16).

By Ms. COLLINS, from the Committee on Appropriations, without amendment: S. 1652. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115–138).

By Mr. SHELBY, from the Committee on Appropriations, without amendment: S. 1662. An original bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115–119).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment: S. Con. Res. 15. A concurrent resolution expressing support for the designation of October 28, 2017, as “Honoring the Nation’s First Responders Day.”

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for Mr. MCCAIN for the Committee on Armed Services:
*Lucian Niemeyer, of Pennsylvania, to be an Assistant Secretary of Defense.
*John H. Gibson II, of Texas, to be Deputy Chief Management Officer of the Department of Defense.
*Matthew P. Donovan, of Virginia, to be Under Secretary of the Air Force.
*Ellen M. Lord, of Rhode Island, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs:

Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.
*Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce.
*J. Paul Compton, Jr., of Alabama, to be General Counsel of the Department of Housing and Urban Development.
*Neal J. Rackliff, of Texas, to be an Assistant Secretary of the Department of Housing and Urban Development.
*Anna Maria Farias, of Texas, to be an Assistant Secretary of Housing and Urban Development.
*Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

By Mr. CORKER for the Committee on Foreign Relations:
*Callista L. Gingrich, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Callista L. Gingrich.

Post: Ambassador to the Holy See.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:
1. Self: **Please see Attachment A.**
2. Spouse: Newton Leroy Gingrich: **Please see Attachment A.**
3. Children and Spouses: Kathy Gingrich Lubbbers: **Please see Attachment B.** Paul Lubbbers. None. Jackie Gingrich Cushman: **Please see Attachment B.** James Cushman: None.
5. Grandparents: N/A—Deceased.
6. Brothers and Spouses: N/A.
7. Sisters and Spouses: N/A.

**ATTACHMENT A: FEDERAL CAMPAIGN CONTRIBUTION REPORT**

All donations from the Gingrich household should be considered joint.

**CALLISTA L. AND NEWTON L. GINGRICH CAMPAIGN CONTRIBUTIONS**

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<tr>
<td>Donald J. Trump for President</td>
<td>3/13/2015</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Republican National Committee</td>
<td>9/29/2016</td>
<td>200.00</td>
</tr>
<tr>
<td>Judah Hill for Congress</td>
<td>12/8/2016</td>
<td>500.00</td>
</tr>
</tbody>
</table>

**ATTACHMENT B: FEDERAL CAMPAIGN CONTRIBUTION REPORT**

**KATHY GINGRICH LUBBERS**

<table>
<thead>
<tr>
<th>Donee</th>
<th>Date of Donation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marie Diaz-Blunt</td>
<td>5/23/2008</td>
<td>$250.00</td>
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<tr>
<td>Lauren Diaz-Blunt</td>
<td>5/23/2008</td>
<td>250.00</td>
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</table>

**JACKIE GINGRICH CUSHMAN**

<table>
<thead>
<tr>
<th>Donee</th>
<th>Date of Donation</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>George W. Bush</td>
<td>9/25/2004</td>
<td>$1,000.00</td>
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<tr>
<td>Samuel Esmail Little</td>
<td>9/29/2010</td>
<td>250.00</td>
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<tr>
<td>Robert Smith</td>
<td>9/12/2014</td>
<td>250.00</td>
</tr>
</tbody>
</table>

**ATTACHMENT C: FEDERAL CAMPAIGN CONTRIBUTION REPORT**

**AMERICAN LEGACY PAC CONTRIBUTIONS TO FEDERAL CANDIDATES—2016 CYCLE**

**DONATIONS TO REPUBLICAN HOUSE CANDIDATES**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dave Bost</td>
<td>3,500.00</td>
</tr>
<tr>
<td>Barbara Comstock</td>
<td>7,400.00</td>
</tr>
<tr>
<td>Lynn Jenkins</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Josh Lameng</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Ken Moore</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Bill O’Brien</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Elise Stefanik</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Ryan Zinke</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

**DONATIONS TO REPUBLICAN SENATE CANDIDATES**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeff Bell</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Scott Brown</td>
<td>4,000.00</td>
</tr>
<tr>
<td>Shirley Moore</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Bill Cassidy</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Ted Cruz</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Joni Ernst</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Cory Gardner</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Ed Gillespie</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Gabriel Gomez</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Tom Price</td>
<td>5,000.00</td>
</tr>
<tr>
<td>James Lankford</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Mike Lee</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Mitch McConnell</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Rand Paul</td>
<td>10,000.00</td>
</tr>
<tr>
<td>David Perdue</td>
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</tr>
<tr>
<td>Pat Roberts</td>
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**DONATIONS TO REPUBLICAN SENATE CANDIDATES—Continued**

<table>
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<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Allen</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Paul Broudy</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Manchin McGovern</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Rand Paul</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Sen. Charlotte</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Mike Coffman</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Drew Ferguson</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Brian Fitzpatrick</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Troy Gooi</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Will Hurd</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Mike Lee</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Bruce Risi</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Martha McSally</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Sen. Roy Blunt</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Stewart Mills</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Dan Tableskin</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Claudia Tenney</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Sam Walts</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Martha McSally</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Sen. James Inhofe</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

**DONATIONS TO REPUBLICAN SENATE CANDIDATES—Continued**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
</thead>
</table>

**AMERICAN LEGACY PAC CONTRIBUTIONS TO FEDERAL CANDIDATES—2016 CYCLE**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelly Ayotte</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Ray Blunt</td>
<td>5,000.00</td>
</tr>
<tr>
<td>David Glenn</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Chuck Grassley</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Joe Heck</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Ron Johnson</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Mark Kirk</td>
<td>5,000.00</td>
</tr>
<tr>
<td>John McCain</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Rob Portman</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Marne Ratcliffe</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Martha Saviga</td>
<td>5,000.00</td>
</tr>
<tr>
<td>Pat Toomey</td>
<td>5,000.00</td>
</tr>
</tbody>
</table>

**CONGRESSIONAL RECORD — SENATE**

S4421

July 27, 2017
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S4422

Boehner, John A. via Friends of John Boehner; 9/27/2013, $2,600.00, Boehner, John A. via
Friends of John Boehner; 9/30/2013, $19,800.00,
NRCC; 3/31/2014, $10,000.00, Republican Party
of Kentucky; 7/14/2016, $10,000.00, Republican
Party of Wisconsin; 7/14/2016, $10,000.00, Republican Federal Committee of Pennsylvania; 7/14/2016 $2,700.00 Trump, Donald J via
Donald J. Trump for President Inc.; 7/14/2016,
$2,700.00, Trump, Donald J. via Donald J.
Trump for President, Inc.; 7/14/2016, $10,000.00,
Illinois Republican Party; 7/14/2016, $10,000.00,
Missouri Republican State Committee-Federal; 7/14/2016, $33,400.00, Republican National
Committee; 8/10/2016, $2,256.25, Alabama Republican Party; 9/15/2016, $2,256.25, Republican Party of Virginia Inc.; 9/15/2016,
$7,743.75, Republican Party of Virginia Inc.;
9/15/2016, $2,256.25, North Dakota Republican
Party; 9/15/2016, $2,256.25, Republican Party of
Louisiana; 9/15/2016, $7,743.75, Kansas Republican Party; 9/15/2016, $7,74315, Republican
Party of Louisiana; 9/15/2016, $2,700.00,
Trump, Donald J via Donald J. Trump for
President, Inc.; 9/15/2016, $2,256.25, Kansas Republican Party; 9/15/2016, $2,256.25, NY Republican Federal Campaign Committee; 9/15/2016,
$7,743.75, NY Republican Federal Campaign
Committee; 9/15/2016, $2,256.25, California Republican Party Federal Acct; 9/15/2016,
$7,743.75, California Republican Party Federal Acct; 9/15/2016, $7,743.75, Mississippi Republican Party; 9/15/2016, $2,256.25, West Virginia Republican Party, Inc.; 9/15/2016,
$7,743.75, West Virginia Republican Party,
Inc.; 9/15/2016, $2,256.25, Wyoming Republican
Party, Inc.; 9/15/2016, $2,256.25, Mississippi Republican Party; 9/15/2016, $2,256.25, Republican Party of Arkansas; 9/15/2016, $7,743.75,
Republican Party of Arkansas; 9/30/2016,
$7,743.75, New Jersey Republican State Committee; 9/30/2016, $7,743.75, Republican Party
of Minnesota-Federal; 9/30/2016, $7,743.75, Tennessee Republican Party Federal Election
Account; 9/30/2016, $7,743.75, Connecticut Republican Party; 9/30/2016, $7,743.75, South
Carolina
Republican
Party;
10/27/2016,
$2,256.25, Republican Party of MinnesotaFederal; 10/27/2016, $10,000.00, North Carolina
Republican Party; 10/27/2016, $2,256.25, New
Jersey Republican State Committee; 10/27/
2016, $2,256.25, Tennessee Republican Party
Federal Election Account; 10/27/2016, $2,256.25,
Connecticut Republican Party; 10/27/2016,
$2,256.25, South Carolina Republican Party.
2. Spouse: Joseph Walton Craft III—Direct
Contributions to Federal Committees: 3/18/
2013, $2,500.00, Capito, Shelley Moore MS via
Capito for West Virginia; 6/10/2013, $5,000.00,
Alliance Coal, LLC PAC; 2/19/2014, $2,000.00,
Louisville & Jefferson County Republican
Executive Committee; 4/24/2014, $2,600.00, Jenkins, Evan H via Jenkins for Congress; 4/24/
2014, $2,600.00, Jenkins, Evan H via Jenkins
for Congress; 6/10/2014, $32,400.00, NRSC; 6/24/
2014, $2,600.00, Tillis, Thom R via Thom Tillis
Committee; 6/24/2014, $5,200.00, Joni Ernst for
US Senate; 6/27/2014, $2,600.00, Daines, Steven
via Steve Daines for Montana; 6/27/2014,
$2,600.00, Guthrie, S. Brett, Hon. via Guthrie
for Congress; 6/27/2014, $2,600.00, Land, Terri
Lynn via Terri Lynn Land for Senate; 6/27/
2014, $2,600.00, Land, Terri Lynn via Terri
Lynn Land for Senate; 6/27/2014, $2,600.00,
Capito, Shelley Moore Ms Via Capito for
West Virginia; 7/9/2014, $5,000.00, Citizens for
Josh Mandel; 7/17/2014, $2,600.00, Wehby,
Monica via Dr Monica Wehby for US Senate;
8/22/2014, $2,600.00, Cassidy, William M via
Bill Cassidy for US Senate; 8/22/2014, $2,600.00,
Cassidy, William M via Bill Cassidy for US
Senate; 8/22/2014, $2,600.00, Cassidy, William
M via Bill Cassidy for US Senate; 8/25/2014,
$2,600.00, Toomey, Patrick Joseph via
Friends of Pat Toomey; 8/25/2014, $100.00,
Toomey, Patrick Joseph via Friends of Pat
Toomey; 9/3/2014, $2,600.00, Coffman, Mike
Rep. via Coffman for Congress; 9/3/2014,

VerDate Sep 11 2014

July 27, 2017

CONGRESSIONAL RECORD — SENATE

11:28 Jul 28, 2017

Jkt 069060

$2,600.00, Gillespie, Edward W via Ed Gillespie for Senate; 9/3/2014, $2,600.00, Joyce,
David P via Friends of Dave Joyce; 9/3/2014,
$2,600.00, Dold, Robert James Jr via Dold for
Congress; 9/3/2014, $2,600.00, McFadden, Michael via McFadden for Senate; 9/3/2014,
$2,600.00, Mills, Stewart Mr. via Friends of
Stewart Mills, Inc.; 9/3/2014, $32,400.00, Republican National Committee; 9/3/2014, $2,600.00,
Rounds, Mike via Rounds for Senate; 9/3/2014,
$2,600.00, Gardner, Cory via Cory Gardner for
Senate; 9/3/2014, $2,600.00, McSally, Martha
via McSally for Congress; 9/3/2014, $2,600.00,
Perdue, David via Perdue for Senate; 9/3/2014,
$2,600.00, Cotton, Thomas via Cotton for Senate; 9/3/2014, $2,600.00, Sullivan, Dan via Sullivan for US Senate; 9/3/2014, $2,600.00, Heck,
Joe via Friends of Joe Heck for Congress; 9/
3/2014, $2,600.00, DeMaio, Carl via Carl
DeMaio for Congress; 9/3/2014, $2,600.00, Mooney, Alexander Xavier via Mooney for Congress; 2016; 9/03/2014, $2,600.00, Tisei Congressional
Committee;
10/7/2014,
$2,600.00,
Lankford, James Paul via Families for
James
Lankford;
10/7/2014,
$5,000.00,
COALPAC, A Political Action Committee of
the National Mining Association; 1/29/2015,
$2,500.00, Guthrie, S. Brett Hon. via Guthrie
for Congress; 1/29/2015, $2,700.00, Guthrie, S.
Brett Hon. via Guthrie for Congress; 2/20/2015,
$2,700.00, Lankford, James Paul via Families
for James Lankford; 2/27/2015, $5,000.00, Oklahoma Strong Leadership PAC; 3/19/2015,
$5,000.00, Leadership Matters for America
PAC, Inc.; 3/26/2015, $334,000.00, Republican
National
Committee;
4/2/2015,
$5,000.00,
COALPAC, A Political Action Committee of
the National Mining Association; 5/15/2015,
$5,400.00, Johnson, Ron Harold via Ron Johnson for Senate Inc.; 9/28/2015, $2,700.00, McCarthy, Kevin via Kevin McCarthy for Congress;
10/28/2015, $2,700.00, Cole, Tom via Cole for
Congress; 12/23/2015, $5,000.00, Alliance Coal,
LLC PAC; 3/29/2016, $100,200,00, Republican
National Committee; 3/29/2016, $100,200.00, Republican National Committee; 3/29/2016,
$100,200.00, Republican National Committee;
3/29/2016, $33,400.00, Republican National
Committee; 3/29/2016, $5,000.00, COALPAC, A
Political Action Committee of the National
Mining Association; 3/31/2016, $5,400.00, Blunt,
Roy via Friends of Roy Blunt; 4/12/2016,
$2,700.00, Comer, James via Comer for Congress; 5/25/2016, $2,700.00, Atkinson, Thomas
M. via Tom Atkinson for Congress; 6/6/2016,
$5,000.00, Chamber of Commerce of the
United States of America PAC (US Chamber
PAC); 6/6/2016, $5,000.00, Alliance Coal, LLC
PAC; 7/11/2016, $2,700.00, Paul, Rand via Rand
Paul for US Senate; 7/11/2016, $2,700.00, Paul,
Rand via Rand Paul for US Senate; 7/26/2016,
$5,400.00, Rubio, Marco via Marco Rubio for
Senate; 7/26/2016, $12,500.00, Republican Party
of Kentucky; 9/13/2016, $2,700.00, Coffman,
Mike Rep. via Coffman for Congress 2016; 9/13/
2016, $2,700.00, Heck, Joe via Friends of Joe
Heck; 9/13/2016, $2,700.00, Young, Todd Christopher via Friends of Todd Young, Inc.; 9/13/
2016, $2,700.00, Comstock, Barbara J.; Honorable via Comstock for congress; 9/29/2016,
$5,000.00, Okstrong PAC; 5/25/2017, $5,000.00,
Chamber of Commerce of the United States
of America PAC (US Chamber PAC).
Contributions to Independent ExpenditureOnly Committees: 5/4/2013, $100,000.00, Kentuckians for Strong Leadership, 12/20/2013,
$500,000.00, American Crossroads; 3/28/2014,
$100,000.00, Kentuckians for Strong Leadership; 3/28/2014, $500,000.00, American Crossroads; 5/6/2014, $25,000.00, USA Super PAC; 6/
27/2014, $300,000.00, Ending Spending Action
Fund; 9/30/2014, $500,000.00, Congressional
Leadership Fund; 09/30/2014, $250,000.00, American Crossroads; 9/30/2014, $250,000.00, Priorities for Iowa Political Fund; 06/06/16,
$1,000,000.00, American Crossroads; 08/05/2016,
$100,000.00, Kentuckians for Strong Leadership; 9/28/2016, $125,000.00, Congressional

PO 00000

Frm 00074

Fmt 0624

Sfmt 0634

Leadership
Fund;
9/28/2016,
$750,000.00,
Future45.
Contributions to Joint Fundraising Committees: 5/21/2013, $50,000.00, Boehner for
Speaker; 10/16/2013, $5,200.00, McConnell Victory Kentucky; 6/27/2014, $10,000.00, McConnell Victory Kentucky; 9/30/2014, $47,400.00,
Boehner for Speaker; 4/16/2015, $5,400.00, Burr
Toomey Victory Fund; 9/14/2015, $43,800,00,
Boehner for Speaker; 12/7/2015, $5,400.00, Scalise Leadership Fund; 3/31/2016, $43,800.00,
Team Ryan; 7/11/2016, $100,000.00, Trump Victory; 9/13/2016, $65,400.00, Trump Victory.
Final Recipients of Joint Fundraising
Committee Contributions: 5/28/2013, $7,400.00,
Ohio Republican Party State Central & Executive Committee; 5/31/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 5/
31/2013, $2,600.00, Boehner, John A. via
Friends of John Boehner; 5/31/2013, $5,000.00
Freedom Project, The; 5/31/2013, $32,400.00,
NRCC; 12/29/2013, $2,600.00, Cotton, Thomas
via Cotton for Senate; 12/29/2013, $2,600.00,
Cotton, Thomas via Cotton for Senate; 12/31/
2013, $2,600.00, Daines, Steven via Steve
Daines for Montana; 12/31/2013, $2,600.00,
Daines, Steven via Steve Daines for Montana; 12/31/2013, $2,600.00, Sullivan, Dan via
Sullivan for US Senate; 12/31/2013, $2,600.00,
Sullivan, Dan via Sullivan for US Senate; 3/
31/2014, $5,200.00, Republican Party of Kentucky; 9/3/2014, $10,000.00, Republican Party of
Kentucky;
9/30/2014,
$5,000.00,
Freedom
Project, The; 9/30/2014, $32,400.00, NRCC; 9/30/
2014, $10,000.00, Ohio Republican Party State
Central & Executive Committee, 6/10/2015,
$2,700.00, Burr, Richard M via Richard Burr
Committee, The; 9/18/2015, $2,700.00, Boehner,
John A. via Friends of John Boehner; 9/18/
2015, $2,700.00, Boehner, John A. via Friends
of John Boehner; 9/18/2015, $5,000.00, Freedom
Project, The; 9/18/2015, $5,000.00, Freedom
Project, The; 9/18/2015, $33,400,00, NRCC; 9/18/
2015, $33,400.00, NRCC; 12/28/2015, $2,700.00,
Scalise, Steve Mr via Scalise for Congress;
12/28/2015, $2,700.00, Scalise, Steve Mr via Scalise for Congress; 12/28/2015, $2,700.00, Scalise,
Steve Mr via Scalise for Congress; 4/13/2016,
$10,800.00, NRCC; 4/13/2016, $33,400.00, NRCC; 4/
13/2016, $5,000.00, Prosperity Action Inc.; 4/13/
2016, $2,700.00, Ryan, Paul D. via Ryan for
Congress, Inc.; 4/13/2016, $2,700.00, Ryan, Paul
D. via Ryan for Congress, Inc.; 7/11/2016,
$5,912.50, Alabama Republican Party; 7/11/
2016, $5,912.50, California Republican Party
Republican Party; 7/11/2016, $6,327.50, Missouri Republican State Committee-Federal;
7/11/2016, $5,912.50, North Dakota Republican
Party; 7/11/2016, $3,036.36, NY Republican Federal Campaign Committee; 7/11/2016, $4,087.50,
NY Republican Federal Campaign Committee; 7/11/2016, $6,327.50, Republican Federal Committee of Pennsylvania; 7/11/2016,
$3,036.36, Republican Party of Arkansas; 7/11/
2016, $3,036.36, Republican Party of Louisiana; 7/11/2016, $3,036.36, Republican Party
of Virginia Inc.; 7/11/2016, $6,327.50, Republican Party of Wisconsin; 7/11/2016, $2,700.00,
Trump, Donald J via Donald J. Trump for
President, Inc.; 7/11/2016, $2,700.00, Trump,
Donald J via Donald J. Trump for President
2016, $4,087.50, Kansas Republican Party; 9/15/
2016, $4,087.50, Mississippi Republican Party;
9/15/2016, $4,087.50, Republican Party of Arkansas; 9/15/2016, $4,087.50, Republican Party
of Louisiana; 9/15/2016, $4,087.50, Republican
Party of Virginia Inc; 9/15/2016, $4,087.50, West
Virginia Republican Party, Inc.; 9/27/2016,
$3,036.36, South Carolina Republican Party; 9/
30/2016, $3,036.36, Connecticut Republican
Party; 9/30/2016, $4,087.50, Connecticut Republican Party; 9/30/2016, $2,700.00, McConnell,

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3. Lauren Craft—Stepdaughter-in-Law—Direct Contributions to Federal Committees: 10/16/2013, $2,600.00, McConnell; 10/16/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 7/8/2014, $5,200.00, Joni Ernst for US Senate; 7/14/2014, $2,600.00, Tillis, Thom R via Thom Tillis Committee; 8/3/2014, $32,400.00, NRSC; 8/27/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 10/30/2014, $2,600.00, Gardner, Cory via Cory Gardner for Senate; 4/22/2015, $5,000.00, Oklahoma Strong Leadership PAC; 4/16/2015, $2,700.00, Comer, James via Comer for Congress; 10/23/2015, $2,600.00, Rubio, Marco via Marco Rubio for Senate.

Contributions to Joint Fundraising Committees: 10/30/2013, $6,300.00, Boehner for Speaker; 12/29/2013, $15,600.00, Friends for an American Majority; 9/26/2014, $10,000.00, McConnell, Mitch via McConnell Senate Committee; 10/9/2014, $7,400.00, Republican Party of Kentucky; 10/9/2014, $7,400.00, Republican Party of Kentucky.

4. Bobby Austin Guilfoil—Father (deceased).

5. Parents: Alex D. Sales, None; Marsha G. Sales, None.

6. Brothers and Spouses: Benjamin D. Guilfoil, None; Marc Guilfoil: No contributions to report.

7. Sisters and Spouses: n/a.

8. Children and Spouses: Anna R. Sales, None; Amy B. Guilfoil, None; Gregory A. Guilfoil, None; Kevin J. Guilfoil, None; Sherry D. Guilfoil—Mother (deceased): No contributions to report.

7. Brother—Marc Guilfoil: No contributions to report.


Nominated: Sharon Day.

Post: San Jose, Costa Rica.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and done: Sharon Day: $230,000, 8/24/2012, Allen West via Allen West for Congress; $500.00, 10/16/2013, Joni Ernst for Congress; $1000.00, 1/27/2013, Maggie’s List; $10,000.00, 6/28/2013, Republican National Committee; $100,000.00, 1/28/2014, Terri Lynn Land: $250.00, 2/3/2014, Maggie’s List; $1000.00, 3/18/2016, Ron Johnson for Senate Inc; $625.00, 5/16/2016, Republican Party of Florida.

Sharon Day—deceased.


Contributions, amount, date, and done: Self: $1,000.00, 3/17/2014, Tom Cotton for Senate; $500.00, 6/30/2012, Ted Cruz for Senate; $500.00, 5/4/2012, David McIntosh for Congress.

2. Spouse: $500.00, 3/15/2016, Hillary for America; $250.00, 10/18/2016, Denise Gitsham for Congress.

3. Children: Amy B. Guilfoil, None; Gregory A. Guilfoil, None; Kevin J. Guilfoil, None; Sherry D. Guilfoil—Mother (deceased): No contributions to report.

4. Parents: Alex D. Sales, None; Marsha G. Sales, None.

5. Grandparents: Deceased.

6. Brothers and Spouses: Benjamin D. Guilfoil, None; Marc Guilfoil, None.

7. Sisters and Spouses: n/a.
have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: Trump Victory*, 11/10/2016, $2,700.00; Trump Victory*, 10/27/2016, $1,875.00; Friends of Joe Heck, 10/19/2016, $2,700.00; Gridiron PAC, 10/14/2016, $5,000.00; Portman, Rob via Portman for Senate Committee, 9/3/2016, $2,700.00; Friends of Kelly Ayotte, Inc., 4/28/2016, $2,700.00; Friends of Kelly Ayotte Inc., 6/24/2016, $2,700.00; Friends of Kelly Ayotte Inc., 6/24/2016, $2,700.00; License for Congress, 6/6/2016, $2,700.00; Right to Rise USA, 3/17/2015, $500,000.00; Frelinghuysen for Congress, 6/18/2014, $2,600.00; Frelinghuysen for Congress, 6/18/2014, $2,600.00; Republican National Committee, 9/1/2014, $5,000.00; Jeb Bush, 6/28/2015, $2,700.00; Lance, Leonard via Lance for Congress, 6/6/2016, $2,700.00; Right to Rise USA, 3/17/2015, $500,000.00; Frelinghuysen for Congress, 3/1/2015, $400,000.00; Frelinghuysen for Congress, 3/1/2015, $400,000.00; Republican National Committee, 2/28/2015, $5,000.00; Jeb 2016, 6/20/2015, $2,700.00; Lance, Leonard via Lance for Congress, 11/13/2014, $2,600.00; Republican National Committee, 9/1/2014, $12,500.00; Candidate for New Hampshire Senate, 8/8/2014, $2,600.00; Republican National Committee, 9/25/2013, $32,400.00; Lange, Leonard via Lance for Congress, 9/28/2013, $2,600.00; Longene for Senate, 9/13/2013, $2,600.00.

5. Grandparents: Robert Wood Johnson II—deceased; Elizabeth Ross Johnson—deceased; Karl Christian Wold—deceased; Maybelle Wold—deceased.

6. Brothers and Spouses: Keith Wold Johnson—deceased; Willard Trotter Case Johnson—deceased; Wold Johnson—deceased; Antonio Arreaga (Son): None; Luis E. Arreaga (Daughter): None; Betty Wold Johnson: None; Walter Zimmerman (Deceased), None; Helen Harriet Urs (Deceased), None; Gloria Arreaga: None.

7. Sisters and Spouses: Kamala Diane Urs, None; Spouse Juan Carlos Arreaga, None; Leocadia Arreaga (Daughter): None; Spouse: Vincent Bauermeister: None; Leocadia Arreaga (Grandfather): None; Dolores Rodas: None.

8. Children and Spouses: Josephine Green, None; Richard and Brigid Glass—None; Adaline Glass—Deceased.


12. Post: Ambassador to NATO.

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of the United States of America to the Repub-
lace of San Marino.
Nominee: Lewis Michael Eisenberg.
Post: U.S. Ambassador to Italy.
(The following is a list of all members of
my immediate family and their spouses. I have
asked each of these persons to inform me of any contributions made by
them. To the best of my knowledge, the in-
formation contained in this report is com-
plete and accurate.)

Committee:
1. Self: $10,000.00, 01/25/13, Cantor Young
Gun's Victory Fund ($5,000 went to ERICPAC
2013 and $5,000 went to Center for America);
$5,200.00, 03/15/13, McConnell Senate Com-
mitee 2014; $2,600.00, 03/13/13, Roger Williams
for US Congress Committee; $1,000.00, 06/04/13,
Richard Blumenthal for Senate; $2,500.00, 03/13/13,
Gabriel Gomez for Senate; $1,568.00, 06/25/
13, Team Graham, Inc.; $1,568.00, 06/25/13,
Team Graham, Inc. (return); $1,668.00, 06/25/
13, Team Graham, Inc.; $2,600.00, 08/31/13,
Che-
ney for Wyoming; $2,500.00, 08/22/13, Ryan
Prosperity Action Committee; $2,500.00, 08/22/
13, Ryan for Congress; $17,500.00, 08/22/13,
Republican Jewish Coalition; $2,000.00, 09/23/13,
Team Graham, $5,000.00, 10/14/13, Country
Republican Jewish Coalition; $2,600.00, 09/10/14,
New Mark Kirk for Senate; $5,200.00, 09/4/14,
Dan Shane Osborn for Senate; $2,600.00, 04/25/14,
RNC; $2,000.00, 02/12/14, Scott Garrett for Con-
graham for Arkansas; $25,000.00, 05/21/14,
Friends of Bill Posey; $2,500.00, 07/01/14, Pa-
French Hill for Arkansas; $2,500.00, 06/30/14,
American Security Initiative; $2,700.00, 08/1/15,
Cowboy Team Graham; $5,000.00, 10/14/13,
Together PAC, Inc. (no record on our end and I think it is
Democratic which he doesn't contribute to);
$3,200.00, 01/16/14, Chris Isola for Congress;
$2,600.00, 01/16/14, Portman for Senate Com-
mitee; $1,000.00, 02/24/14, Lance for Congress;
$5,200.00, 02/12/14, Capito for West Virginia;
$25,000.00, 02/12/14, NRCC; $25,000.00, 02/12/14,
RNC; $2,500.00, 02/12/14, Scott Garrett for Con-
gress; $3,500.00, 02/11/14, NRSC (John Child's
Rob Portman event 2/23/14); $2,600.00, 04/15/14,
Shane Osborn for Senate; $2,600.00, 04/25/14,
Mark Kirk for Senate; $5,200.00, 05/20/14,
Richard Hanna for Congress; $2,700.00, 05/30/13,
Roger Williams for Congress; $2,700.00, 11/29/16,
Scott Walker for Senate; $5,200.00, 09/23/13,
Team Graham; $5,200.00, 02/12/14, Capito for
West Virginia; $5,000.00, 02/24/14, Collins for
Senator; $2,500.00, 03/10/14, Ed Gillespie for
Senate; $2,600.00, 09/29/14, Friends of John
McCain; $2,600.00, 02/13/15, PortPac (Pro-
moting Our Republican Team PAC); $2,900.00,
02/17/15, Zeldin for Congress (Campaign/FEC
error); $2,700.00, 08/1/15, PortPac (Promoting
Our Republican Team PAC); $2,900.00, 02/17/15,
Zeldin for Congress (Campaign/FEC error);
$2,700.00, 10/15/14, Kentuckians for Strong
Leadership (McConnell SuperPac); $2,600.00,
09/29/14, Friends of John McCain; $2,600.00,
10/15/14, Collins for Senator; $19,000.00, 02/05/15,
finance for a Strong America; $500.00, 02/10/15,
Zeldin for Congress (Campaign/FEC error);
$5,000.00, 02/13/15, PortPac (Promoting Our
Republican Team PAC); $5,400.00, 02/15/15,
Marco Rubio for Senate; $5,400.00, 03/09/15,
Ron Johnson for Senate; $1,000.00, 03/12/15,
Scott Garrett for Congress; $10,000.00, 05/21/15,
RJC (Republican Jewish Coalition); $5,400.00,
05/27/15, Kelly Ayotte for US Senate; $266,166
06/7/15, Our records show return from Eric
Cantor (contribution made in 2013); $5,400.00,
06/18/15, Multi-County Security Initiative;
$35,000.00, 07/27/2015, RNC; $2,700.00, 07/28/15,
My records show return from Marco Rubio
for Senate, 2015 Gen. Fund; $2,700.00, 08/15/15,
My records show return from Allocating
for Congress (gen. election); $5,400.00, 08/11/15,
Healey for Congress; $10,000.00, 09/28/15,
Arizona Grassroots Action PAC (John McCain);
$17,500.00, 09/28/15, Hispanic Voter Initiative
(Republican Jewish Coalition); $10,000.00, 07/10/2015,
RJC (Republican Jewish Coalition) Presidenti
Candidate Forum; $2,700.00, 12/06/15, Zeldin for
Congress (campaign contribution); $2,700.00, 01/06/16,
Jobs for Connec-
ticut-Larry Kudlow exploratory com-
mittee; $35,000.00, 02/19/16, RNC (sustaining
membership); $2,700.00, 01/16/16, Friends of
Joe Heck; $2,700.00, 02/19/16, Friends of Joe
Heck; $16,500.00, 03/01/16, Liz Cheney for Con-
gress; $2,700.00, 03/01/16, Bill Posey; $2,700.00,
05/03/16, Lindsey Graham 2016 (Lindsey
Graham 2016 Debt Retirement); $2,700.00,
05/16/16, Wells for Congress; $10,800.00,
06/21/16, Trump Victory-Victory; $2,700.00,
06/30/16, Kirk Victory 2016; $25,000.00,
06/30/16, Trump Victory-Revenge; $5,000.00,
8/4/2016, Trump for America, Inc. 501(c)(4);
$17,500.00, 06/30/16, Jewish Coalition;
$1,000.00, 11/01/16, Barbara Comstock for
Congress; $2,700.00, 11/29/16, Scott Walker
Inc.; $2,500.00, 01/24/17, Team Josh.
2. Spouse: Joyce $2,600.00, 08/3/13,
Che-
S. 1653. A bill to provide for the overall health and well-being of young people, including the promotion of lifelong sexual health and healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. FRANKEN, Ms. GILLIBRAND, Ms. HIRONO, Mr. HARRIS, Ms. LEAHY, Mr. BOOKER, Mr. SANDERS, Ms. HIRONO, Mr. VAN HOLLEN, Mr. CASEY, and Mr. WYDEN):

S. 1653. A bill to amend the Federal Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mrs. BLUMENTHAL, Mr. WARNER, and Mr. FRANKEN):

S. 1659. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the acceptance by political committees of online contributions from certain unverified sources, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. TESTER, Mr. PETERS, Ms. WARREN, and Mr. MENENDEZ):

S. 1661. A bill to make permanent the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY:

S. 1662. An original bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HOEVEN:

S. 1663. A bill to amend the Internal Revenue Code of 1986 to enhance the requirements for secure geological storage of carbon dioxide for purposes of the carbon dioxide sequestration credit; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. KAINES):

S. 1664. A bill to amend section 5307 of title 49, United States Code, with respect to the treatment of communities as urbanized areas following a major disaster; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BLUMENTHAL:

S. 1665. A bill to authorize the State of Utah to select certain lands that are available for disposal by the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MAJID HASSAN, and Mr. WHITEHOUSE):

S. 1666. A bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL (for himself and Mr. FRANKEN):

S. 1666. A bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL (for himself and Mr. FRANKEN):

S. 1666. A bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 1668. A bill to rename a waterway in the State of New York as the "Joseph Sanford Halsey" Waterway.

By Mr. MERKLEY:

S. 1669. A bill to authorize the State of Utah to select certain lands that are available for disposal by the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 1670. A bill to require the Secretary of Energy to establish a program to increase participation in community solar and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HATCH (for himself, Mr. COONS, and Mr. HELLER):

S. 1671. A bill to amend title 18, United States Code, to safeguard data stored abroad, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. ERNST (for herself, Mrs. COTTON, Mrs. SHAFER, Mr. ENDOW, Mr. WARREN, Mr. BLUMENTHAL, Mr. KING, Mr. CRUZ, Mrs. GILLIBRAND, Mrs. MCCASKILL, Mr. WICKER, Mr. DONNELLY, Mr. NELSON, Mr. SULLIVAN, Mr. TILLIS, Mr. REED, Mr. ROUNDS, Mr. GRAHAM, Mr. KAINES, Ms. HIRONO, Mr. PETERS, Ms. SABEE, Mr. PENDLETON, Mrs. FISCHER, Mr. STRANGE, and Mr. HENRICH):

S. Res. 234. A resolution recognizing the contribution of the Sailors and Marines who sacrificed their lives for ship and shipmates while fighting the devastating 1967 fire onboard US' Forrestal and, during the week of the 50th anniversary of the tragic event, commemorating the efforts of those who survived, to the Committee on Armed Services.

By Mr. ROUNDS:

S. Res. 235. A resolution expressing the sense of the Senate that the Secretary of Defense should consider establishing an award program for the cyberspace community of the Department of Defense; to the Committee on Armed Services.

By Ms. HIRONO (for herself and Mr. CARDIN):


STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. CASEY, Mrs. GILLIBRAND, Ms. HASSAN, and Mr. WHITEHOUSE):

S. 1651. A bill to provide for temporary financing of short-time compensation programs; to the Committee on Finance.

Mr. REED. Mr. President, today I am joined by Senators CASEY, GILLIBRAND, HASSAN, and WHITEHOUSE to introduce the Layoff Prevention Act of 2017. This bill renews and extends Federal support for State short-time compensation—or work sharing—programs, which help avert layoffs and the economic effects of long-term unemployment.

Work sharing is a proven concept that is endorsed by economists across the political spectrum. When business slows down, employers feel pressure to lay off employees. Under work sharing, employers may instead opt to reduce hours across-the-board, and employees may then collect a pro-rata unemployment compensation check for the hours they lost. This prevents layoffs, lowers employers’ rehiring and training expenses, and costs States only a fraction of what they would pay if workers went on full unemployment.

The Middle Class Tax Relief and Job Creation Act of 2012 included my Layoff Prevention Act, which modernized
Federal work sharing laws. Partly as a result of this increased Federal support for work sharing, State work sharing programs helped to save over 130,000 jobs between 2012 and the expiration of Federal incentives in 2015.

The legislation we are introducing today would build on incentives so that States with existing work sharing programs, and those considering enacting a program, can qualify for Federal support. Our economy has come a long way in recent years, and we should invest in workforce programs like work sharing to ensure we do not experience again the same scale of job loss that we endured during the Great Recession.

I urge my colleagues to join me in supporting passage of this bill to keep American workers on the job, save taxpayers money, and provide employers with a practical, positive, and cost-effective alternative to layoffs.

By Mr. LEE (for himself, Mr. LEAHY, Mr. HELLER, Mrs. SHAHEEN, Mr. DAINES, Mr. BLUMENTHAL, Mr. GARDNER, and Mr. FRANKEN):

S. 1654. A bill to amend title 18, United States Code, to update the privacy and electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

Mr. LEE. Six years ago, Senator LEE and I first joined together to reform our outdated digital privacy laws. We recognized that our Nation’s privacy rules failed to account for how we live our lives today and provided little protection for Americans’ electronic information.

Most Americans are shocked to learn that a law dating back to the Reagan administration governs when the government can access their emails and texts, view their photos, obtain their location information, and even inspect their Internet browsing history. Thirty-one years ago, I led efforts to write the Electronic Communications Privacy Act (ECPA). At the time, computers were an emerging technology and there was little understanding of the Internet, let alone cloud computing. ECPA was significant and forward-looking legislation in 1986, but it was not intended to get us through 50 years of technological innovations. Modern technology and digital communications have transformed our society. It is past time for Congress to catch up.

ECPA no longer makes any sense in our digital world. When Senator LEE and I first set out to modernize the statute, we focused on one critical reform: enacting a clear, uniform rule that the government must obtain a warrant supported by probable cause whenever it seeks the content of our emails, texts, photos, and other electronic documents stored in the cloud. This is what the Constitution requires; and this is what Vermonters, Utahans, and Americans across the Country expect.

But even in the six years since we first introduced legislation to reform ECPA, it has become increasingly clear that broader reforms are necessary to ensure that privacy laws adequately address the privacy and technological challenges of the modern world. When the U.S. Court of Appeals for the Sixth Circuit held in 2010 that email was fully protected by the Fourth Amendment, the court cautioned that “the Fourth Amendment must keep pace with the inexorable march of technological progress, or its guarantees will wither and perish.” The bill we introduce today would ensure our laws keep pace.

The ECPA Modernization Act of 2017 introduces a broad set of reforms to our digital privacy statutes. Like legislation we introduced in previous Congresses, this bill would create a foundational requirement that the government obtain a warrant when it seeks the content of our electronic communications from third-party service providers. The bill also goes further by addressing the unique privacy concerns associated with Americans’ location information, taking as an example set by States like Vermont, Utah, and California, our bill would require that the government obtain a warrant when it seeks stored or real-time location information from third-party service providers, or uses IMSI-catchers or stingrays to get location data from individuals’ own cell phones.

The ECPA Modernization Act additionally would require law enforcement to notify individuals when their communications or location information is obtained from third-party service providers. The bill would also add new privacy protections related to government requests for customer records and metadata; a suppression remedy for illegally obtained electronic data; and reform the pen register and trap and trace device statutes to bring them in line with other laws.

Senator LEE and I are proud to introduce this bill with the support of a broad range of stakeholders, including the Center for Democracy & Technology, the ACLU, the Constitution Project, New America’s Open Technology Institute, the Electronic Frontier Foundation, the American Library Association, the American Civil Liberties Union, TechFreedom, FreedomWorks, Google, Engine, BSA/The Software Alliance, and many others.

Today Senator LEE and I are also introducing the Email Privacy Act, companion legislation to the bill introduced in the House of Representatives by Congressmen YODER and POLIS. The Email Privacy Act passed the House by voice vote earlier this year, and received an overwhelming 419 to 0 vote last Congress. I commend Representatives YODER and POLIS for their efforts, and also commend House Judiciary Committee Chairman GOODLATTE and Ranking Member CONVIERS for reaching a historic compromise that led to unanimous support for this bill in the House.

When the House passed the Email Privacy Act last year, I was hopeful that the Senate would follow suit to protect Americans’ digital privacy and ensure that the bill would be enacted into law. I was disappointed when instead of working in a bipartisan fashion, certain Republicans on the Senate Judiciary Committee threatened to use it as a vehicle to push poison pill amendments on controversial National security matters, effectively killing the bill for their own political purposes.

The Email Privacy Act is a good bill that is unanimously supported by the House of Representatives. That legislation does not include all the reforms that I believe are necessary to bring our digital privacy laws into the modern age, but it takes a significant step toward ensuring that ECPA complies with the Fourth Amendment by requiring a warrant whenever the government seeks the contents of Americans’ emails and electronic communication. I have worked for years to see this critical reform implemented into law, and I will take every opportunity to see that it reaches the President’s desk.

But make no mistake: I believe our work must not stop there. Americans deserve Fourth Amendment protections for their location information, notice when law enforcement obtains their content or location data, and strong protections governing the acquisition of metadata and records. I will keep fighting for the protections we have now set forth in the ECPA Modernization Act. I will keep pushing the Senate to advance legislation that keeps pace with Americans’ expectations of privacy. The American people expect these protections, and they deserve them.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 1658. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to give the Department of Education the authority to award competitive grants to eligible entities to establish, expand, or support school-based mentoring programs to assist at-risk students in middle school and high school in developing cognitive and social-emotional skills to prepare them for success in high school, postsecondary education, and the workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I introduce the Mentoring to Succeed Act, a bill that would break down the walls of access and meet at-risk youth where they are, in school, to give them the support and guidance they need to be successful.

Barriers such as childhood poverty, inadequate schools, chronic absenteeism, adverse childhood experiences,
community violence, exclusionary discipline policies, and juvenile justice involvement can lead to poor academic achievement and life outcomes. Students who grow up facing these challenges without a strong support system often struggle to transition to high school, much less graduate. The good news is that mentoring is an intervention that can make a difference.

School-based mentoring programs are an effective strategy to help at-risk students thrive in school, careers, and life. According to a 2014 study, there are an estimated 16 million young people, including 9 million at-risk youth, who will reach the age of 19 without ever having a mentor. As a result, these youth will miss out on the powerful effects of mentoring that are linked to significant outcomes. Youth who have mentors are 52 percent less likely to skip a day of school; 55 percent more likely to be enrolled in college; 81 percent more likely to participate regularly in sports or extracurricular activities; and 130 percent more likely to hold leadership positions.

Researchers at the University of Chicago found that Youth Guidance’s school-based mentoring program, Becoming a Man, reduced arrests for violent crime, improved school engagement, and increased high school graduation rates.

Mentoring programs can help youth develop the skills employers are seeking. A 2016 study found that 8 in 10 employers say social and emotional skills are the most important to success, and are the most difficult skills to find in job applicants.

In Illinois, an estimated 55,000 youth are formally matched with a mentor, with 68 percent residing in Metro Chicago. Last year, it cost the State of Illinois an average of $172,000 to incarcerate one youth, compared to an average of $27,000 per youth in an intensive youth development program, and only $2,300 per youth in a formal mentoring program. In 2012, the University of Chicago Crime Lab found that benefits to society compared to mentoring program costs in Illinois measured as high as $31 per $1 dollar invested.

Lakeisha Steele, a member of my staff that has been working on this issue, is a testament to the powerful effects of mentorship can have. She lost her oldest brother, Lewis Williams III, to gun violence on July 10, 1996. He was 24 years old and studying to become a welder while preparing for the birth of his only son, his namesake, who would be born a month after his death. The loss of her brother’s life rocked Lakeisha’s family to its core. There were limited resources in her community (she is from Kankakee, Illinois) and her family could not afford to see a grief counselor. She went through her freshman year grieving the loss of her brother and without the support of her school work. A once A-student brought home Cs and Ds. She credits her high school guidance counselor, Paul Meyer of Kankakee High School, for helping her cope with the trauma of losing her brother and keeping her focused on her education and future. She says she wouldn’t be here today without his mentorship.

The Mentoring to Succeed Act would help break down the barriers that make it difficult for far too many of our children and youth to succeed, especially our students of color. This bill would provide high-need school districts, schools, and local governments with the funds needed to create, expand, and support school-based mentoring programs to improve the academic, social, and workforce skills of at-risk students. It would support partnerships with non-profit, community-based, and faith-based organizations to serve more at-risk students. In addition, it would support youth job training by partnering with local businesses and private companies to provide at-risk students with internships and career exploration activities. Further, this bill would provide funding to train mentors on trauma and toxic stress to increase student resilience and promote social and emotional development.

Last year, the City of Chicago announced a bold and innovative mentoring initiative to help Chicago’s most at-risk youth. By the year 2018, the City’s goal is to reach 7,200 8th, 9th, and 10th grade boys in 22 of Chicago’s highest poverty and highest violence neighborhoods.

This bill would support the City of Chicago and other local governments, schools, and school districts who have undertaken efforts to help at-risk youth by creating or expanding school-based mentoring programs. I would like to thank my colleague, Senator TAMMY DUCKWORTH from Illinois for joining me in this effort. I hope my colleagues will join me to strengthen investments in school-based mentoring programs that help at-risk youth develop the academic, social, and workforce skills that lead to success. 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. 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 “Mentoring to Succeed Act of 2017”.

SEC. 2. PURPOSE. The purpose of this Act is to make assistance available for school-based mentoring programs for at-risk students in order to—

(1) establish, expand, or support school-based mentoring programs;

(2) assist at-risk students in middle school and high school in developing cognitive and social-emotional skills; and

(3) prepare such at-risk students for success in high school, postsecondary education, and the workforce.

SEC. 3. SCHOOL-BASED MENTORING PROGRAM.

Part C of title I of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351 et seq.) is amended by adding at the end the following:

“SEC. 135. DISTRIBUTION OF FUNDS FOR SCHOOL-BASED MENTORING PROGRAMS.

“(a) DEFINITIONS.—In this Act:

“(1) AT-RISK STUDENT.—The term ‘at-risk student’ means a student who—

“(A) is failing academically or at risk of dropping out of school;

“(B) is pregnant or a parent;

“(C) is a gang member;

“(D) is a child or youth in foster care or a youth who has been emancipated from foster care but is still enrolled in high school;

“(E) has or has recently been a homeless child or youth;

“(F) is chronically absent;

“(G) has changed schools 3 or more times in the past 6 months;

“(H) has come in contact with the juvenile justice system in the past;

“(I) has a history of multiple suspensions or disciplinary actions;

“(J) is an English learner;

“(K) has 1 or both parents incarcerated;

“(L) has experienced 1 or more adverse childhood experiences, traumatic events, or toxic stressors, as assessed through an evidence-based screening; or

“(M) lives in a high-poverty area with a high rate of community violence.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a high-need local educational agency, high-need school, or local government entity; and

“(B) may include a partnership between an entity described in paragraph (A) and a non-profit, community-based, or faith-based organization, or institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(3) ENGLISH LEARNER.—The term ‘English learner’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(4) FOSTER CARE.—The term ‘foster care’ has the meaning given the term in section 1355.20 of title 45, Code of Federal Regulations.

“(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency that serves at least 1 high-need school.

“(6) HIGH-NEED SCHOOL.—The term ‘high-need school’ has the meaning given the term in section 2211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6841).

“(7) HOMELESS CHILDREN AND YOUTHS.—The term ‘homeless children and youths’ has the meaning given the term in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(8) SCHOOL-BASED MENTORING.—The term ‘school-based mentoring’ means a structured, managed, evidenced-based program conducted in partnership with teachers, administrators, school psychologists, school social workers or counselors, and other school staff, in which at-risk students are appropriately matched with screened and trained professional or volunteer mentors who provide guidance, support, and encouragement, phoneings, group-based sessions, and educational and workforce-related activities on a regular basis to prepare at-risk students for success in high school, postsecondary education, and the workforce.

“(9) SCHOOL-BASED MENTORING COMPETITIVE GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to establish, expand, or support school-based mentoring programs that—
“(A) are designed to assist at-risk students in high-need schools in developing cognitive skills and promoting social-emotional learning to prepare them for success in high school, postsecondary education, and the workforce by linking them with mentors who—

(i) have received mentor training, including on trauma-informed practices and youth engagement; and

(ii) have been screened using appropriate reference checks and criminal background checks;

(B) provide coaching and technical assistance to mentors in such mentoring program;

(C) students with a positive relationship with a skilled adult offering support and guidance;

(D) improve the academic achievement of at-risk students;

(E) foster positive relationships between at-risk students and their peers, teachers, other adults, and family members;

(F) reduce dropout rates and absenteeism and improve school engagement of at-risk students and their families;

(G) reduce juvenile justice involvement of at-risk students;

(H) develop the cognitive and social-emotional skills of at-risk students;

(I) develop the workforce readiness skills of at-risk students;

(J) encourage at-risk students to participate in community service activities; and

(K) encourage at-risk students to set goals for their futures, including encouraging such students to make plans for postsecondary education and the workforce.

(2) Duration.—The Secretary shall award grants under this section for a period not to exceed 5 years.

(3) Application.—To receive a grant under this section, an eligible entity shall submit to the Secretary an application that includes—

(A) a needs assessment that includes baseline data on the measures described in paragraph (6)(A)(i); and

(B) a plan to meet the requirements of paragraph (1).

(4) Priority.—In selecting grant recipients, the Secretary shall give priority to applicants that—

(A) serve children and youth with the greatest need living in high-poverty, high-crime areas, rural areas, or who attend schools with high rates of community violence;

(B) provide at-risk students with opportunities for job training, professional development, work shadowing, internships, networking, resume writing and review, interview preparation, college application assistance, college visits, and leadership development through community service, including through relationships with the private sector and local businesses to provide internship and career exploration activities and resources; and

(C) seek to provide match lengths between at-risk students and mentors of not less than 8 months.

(5) Use of Funds.—An eligible entity that receives a grant under this section may use such funds to—

(A) develop and carry out regular training for mentors, including on—

(i) the impact of adverse childhood experiences;

(ii) trauma-informed practices and interventions;

(iii) supporting homeless children and youth;

(iv) supporting children and youth in foster care or youth who have been emancipated from foster care but are still enrolled in high school;

(v) cultural competency;

(vi) confidentiality requirements for working with children and youth in foster care; and

(vii) working in coordination with a public school system;

(B) recruit, screen, match, and train mentors;

(C) hire staff to perform or support the objectives of the school-based mentoring program;

(D) provide youth engagement activities, such as—

(i) enrichment field trips to cultural destinations; and

(ii) career or academic exploration activities; and

(E) conduct program evaluation, including by acquiring and analyzing the data described under paragraph (6).

(6) Reporting Requirements.—

(A) In General.—Not later than 6 months after the end of each academic year during the grant period, an eligible entity receiving a grant under this section shall submit to the Secretary a report that includes—

(i) the number of students who participated in the school-based mentoring program that was funded in whole or in part with the grant funds;

(ii) data on the academic achievement, dropout rates, truancy, absenteeism, outcomes of arrests for violent crime, summer employment, and college enrollment of students in the program;

(iii) the number of group sessions and number of one-on-one contacts between students in the program and their mentors;

(iv) the average attendance of students enrolled in the program;

(v) data on emotional development of students as assessed with a validated social emotional assessment tool; and

(vi) any other information that the Secretary may require to evaluate the success of the school-based mentoring program.

(B) Student Privacy.—An eligible entity shall ensure that the report submitted under subparagraph (A) is prepared in a manner that protects the privacy rights of each student in accordance with section 444 of the General Education Provisions Act (commonly referred to as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g).

(7) Mentoring Resources and Community Service Coordination.—

(A) Best Practices.—The Secretary shall work with the Office of Juvenile Justice and Delinquency Prevention to—

(i) refer grantees under this section to the National Mentoring Resource Center to obtain resources on best practices and research related to mentoring and to request no-cost training and technical assistance; and

(ii) provide grantees under this section with information to promote positive youth development, including transitional serpovices for at-risk students returning from correctional facilities.

(B) Technical Assistance.—The Secretary shall coordinate with the Corporation for National and Community Service, including through entering into an interagency agreement or a memorandum of understanding, to provide technical assistance and other resources to support grantees under this section as they provide mentoring and community service-related activities for at-risk students.

(C) Authorization of Funds.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2023 through 2027.

SEC. 4. INSTITUTE OF EDUCATION SCIENCES STUDY ON SCHOOL-BASED MENTORING PROGRAMS.

(a) In General.—The Secretary of Education, acting through the Director of the Institute of Education Sciences, shall conduct a study to—

(1) identify successful school-based mentoring programs and effective strategies for administering and monitoring such programs;

(2) evaluate the role of mentors in promoting cognitive development and social-emotional learning to enhance academic achievement and to improve workforce readiness; and

(3) evaluate the effectiveness of the grant program under section 136 of the Carl D. Perkins Career and Technical Education Act of 2006, as added by section 3, on student academic outcomes and youth career development.

(b) Timing.—Not later than 3 years after the date of enactment of this Act, the Secretary of Education, acting through the Director of the Institute of Education Sciences, shall submit the results of the study to the appropriate Congressional committees.

By Mr. DURBIN (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, MRS. GILLIBRAND, and MR. FRANKEN):

S. 1659. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

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. 1659

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 "Protecting Consumers from Unreasonable Credit Rates Act of 2017".

SEC. 2. FINDINGS. Congress finds that—

(1) attempts have been made to prohibit unwarranted interest rates in America since colonial times;

(2) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for servicer payday loans and other covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending among military bases;

(3) notwithstanding such attempts to curb predatory lending, high-cost lending persists in all 50 States due to loopholes in State usury caps, safe harbor laws for specific forms of credit, and the exploitation of unregulated interest rates permitted by preemption;

(4) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately $14,000,000,000 on high-cost overdraft loans, as much as approximately $7,000,000,000 on storefront and online payday loans, $3,800,000,000 on car title loans, and additional amounts in unreported revenues on high-cost online installment loans;

(5) cash-strapped consumers pay on average approximately 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 17,000 percent or higher for bank overdraft loans, and triple-digit rates for online installment loans;

(6) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(7) alternatives to predatory lending that encourage small dollar loans with minimal
or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

SEC. 3. NATIONAL MAXIMUM INTEREST RATE

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

"SEC. 140B. MAXIMUM RATES OF INTEREST.

(a) IN GENERAL.—Notwithstanding any other Act of Congress, no creditor may agree to a contract that does an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

(b) DEFINITION OF CREDIT EXTENSION.—

"(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to any extension of credit as a condition of the extension of credit, including—

"(A) any payment compensating a creditor or prospective creditor for—

"(i) an extension of credit or making available a line of credit, such as fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

"(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed fees which are apportioned to fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and any other fees.

"(B) all fees which constitute a finance charge, as defined by rules of the Bureau in accordance with this title;

"(C) credit insurance premiums, whether optional or required; and

"(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

"(2) TOLERANCES.—

"(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 years amortizing installment payments over at least 90 days, the term 'fee and interest rate' does not include—

"(i) application or participation fees that in total do not exceed the greater of $30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to $120, if—

"(A) such fees are excludable from the finance charge as provided in section 106 and regulations issued thereunder;

"(B) such fees cover all credit extended or renewed by the creditor for 12 months; and

"(C) the maximum amount of credit extended or available on a credit line is equal to $300 or more;

"(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either $20 per late payment or $20 per month; or

"(iii) a creditor-imposed insufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds which does not exceed $15.

"(B) ADJUSTMENTS FOR INFLATION.—The Bureau may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the payment fee and interest rate limitation is not circumvented.

"(c) CALCULATIONS.—

"(1) OPEN END CREDIT PLANS.—For an open end credit plan—

"(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

"(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Bureau may require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the 'finance charge' shall include all fees, charges, and payments described in subsection (b)(1) of this section.

"(3) ADJUSTMENTS AUTHORIZED.—The Bureau may authorize the calculation in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

"(d) DEFINITION OF CREDITOR.—As used in this section, the term 'creditor' has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

"(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Bureau under section 106 shall not apply to the rates established under this section or the disclosure requirements under section 127.

"(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Bureau may prescribe regulations requiring disclosure of the fee and interest rate established under this section.

"(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

"(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 107(a)(1), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction, the recapture of which is a condition of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

"(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

"(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

"(2) $50,000.

"(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any State where the party charged by the creditor was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and any other fees. The population of the area shall be assigned the population and square miles of the urban cluster designated by the Secretary of Commerce in the most recent decennial census.

"(3) POPULATION CALCULATION.—An area treated as an 'urbanized area' under this subsection shall be assigned the population and square miles of the urban cluster designated by the Secretary of Commerce in the most recent decennial census.

"(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of the enactment of this section.

SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.

Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1667(b)(6)) is amended by striking "the total finance charge expressed" and all that follows through the end of the paragraph and inserting instead, displayed as 'FAIR', established under section 141."
mortgage payments, childcare, and student loans. If rates are unreasonable, they should be blocked or modified.

The Protecting Consumers from Unreasonable Rates Act would allow the Secretary of Health and Human Services to act on behalf of consumers to protect them from unreasonable increases in health insurance rates in States that do not take this action.

In California and several other States across the Nation, State regulators lack the authority to block or modify extreme health insurance rate increases. This legislation does not change any State’s ability to take this action. Rather, it simply allows the Secretary of Health and Human Services to help fill in the gaps in the health care regulatory space so consumers in all States would have adequate protections against this type of price gouging.

The Affordable Care Act slowed the growth of premium increases and improved the value of health insurance—including how much of premiums insurers must spend on actual medical care and ensuring rate increases are at least reviewed. These were good first steps, but more needs to be done. Far too many Americans are facing rate increases and full consumer protections must be in place to ensure that prices reflect true cost and not simply profits.

Providing all Americans with affordable, quality healthcare is of the utmost importance, and Congress ought to be building on the successes of the Affordable Care Act while making improvements where necessary.

This bill provides a straightforward, direct enforcement mechanism to ensure that insurers may not impose unreasonable high costs on consumers, by empowering the Secretary of Health and Human Services to step in when State regulators do not, or are unable to.

I urge my colleagues to support this legislation to protect Americans from unreasonable rate hikes and move toward real, commonsense health care solutions.

By Mr. SCHUMER:
S. 1668. A bill to rename a waterway in the State of New York as the “Joseph Sanford Jr. Channel”; to the Committee on Commerce, Science, and Transportation.

Mr. SCHUMER. 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. 1668

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

SECTION 1. JOSEPH SANFORD JR. CHANNEL.

(a) In General.—The waterway in the State of New York designated as the “Negro Bar Channel” shall be known and redesignated as the “Joseph Sanford Jr. Channel”.
(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the waterway referred to in subsection (a) shall be deemed to be a reference to the “Joseph Sanford Jr. Channel”.

ADDITIONAL COSPONSORS

S. 167
At the request of Mr. Moran, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 167, a bill to designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas.

S. 223
At the request of Ms. Collins, the name of the Senator from Hawaii (Ms. Hirono) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 540
At the request of Mr. Thune, the name of the Senator from South Carolina (Mr. Scott) was added as a cosponsor of S. 540, a bill to limit the authority of State regulators in regard to employment duties performed in other States.

S. 711
At the request of Mr. Cardin, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 711, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 888
At the request of Mr. Grassley, the name of the Senator from Maryland (Mr. Cardin) was added as a cosponsor of S. 888, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 1028
At the request of Ms. Collins, the name of the Senator from Oregon (Mr. Merkley) was added as a cosponsor of S. 1028, a bill to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes.

S. 1146
At the request of Mrs. Shaheen, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 1146, a bill to enhance the ability of the Office of the National Ombudsman to assist small businesses in meeting regulatory requirements and develop outreach initiatives to promote awareness of the services the Office of the National Ombudsman provides, and for other purposes.

S. 1333
At the request of Mr. Young, the name of the Senator from South Carolina (Mr. Scott) was added as a cosponsor of S. 1333, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of the American Legion.

S. 1396
At the request of Mr. Sullivan, the names of the Senator from Wisconsin (Mr. Johnson) and the Senator from Kentucky (Mr. Paul) were added as cosponsors of S. 1396, a bill to expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

S. 1381
At the request of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. 1381, a bill to provide assistance in abolishing human trafficking in the United States.

S. 1394
At the request of Mr. Carper, the name of the Senator from Hawaii (Ms. Hirono) was added as a cosponsor of S. 1394, a bill to establish an individual Market Reinsurance fund to provide funding for State individual market stabilization reinsurance programs.

S. 1462
At the request of the Senator from Hawaii (Ms. Hirono), the Senator from Wisconsin (Mr. Johnson) was added as a cosponsor of S. 1462, a bill to amend the Patient Protection and Affordable Care Act to improve cost sharing subsidies.

S. 1395
At the request of Mr. Lee, the names of the Senator from Idaho (Mr. Risch) and the Senator from Wisconsin (Mr. Johnson) were added as cosponsors of S. 1395, a bill to provide that silencers be treated the same as firearms accessories.

S. 1392
At the request of Mr. Thune, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1392, a bill to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1396
At the request of Ms. Klobuchar, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1396, a bill to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, and for other purposes.

S. 1391
At the request of Mr. Toomey, the name of the Senator from South Carolina (Mr. Scott) was added as a cosponsor of S. 1391, a bill to impose sanctions with respect to the Democratic People’s Republic of Korea, and for other purposes.

S. 1398
At the request of Mr. Isakson, the names of the Senator from Mississippi (Mr. Wicker) and the Senator from South Dakota (Mr. Thune) were added
as cosponsors of S. 1598, a bill to amend title 36, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

At the request of Mr. Tester, the names of the Senator from Rhode Island (Mr. Whitehouse) and the Senator from Pennsylvania (Mr. Casey) were added as cosponsors of S. 1598, supra.

S. 1601

At the request of Mrs. Shaheen, the name of the Senator from Pennsylvania (Mr. Casey) was added as a cosponsor of S. 1601, a bill to amend the Fair Housing Act to establish that certain conduct, in or around a dwelling, shall be considered to be severe or pervasive for purposes of determining whether a certain type of sexual harassment has occurred under that Act, and for other purposes.

S. 1608

At the request of Mr. Flake, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 1608, a bill to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

S. 1632

At the request of Mr. Durbin, the name of the Senator from Rhode Island (Mr. Whitehouse) was added as a cosponsor of S. 1632, a bill to amend title 36, United States Code, to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service.

S. 1640

At the request of Mr. Durbin, the name of the Senator from Maryland (Mr. Cardin) was added as a cosponsor of S. 1640, a bill to reform the financing of Senate elections, and for other purposes.

S. J. RES. 47

At the request of Mr. Crapo, the names of the Senator from Kansas (Mr. Roberts), the Senator from Alaska (Mr. Sullivan), the Senator from Wisconsin (Mr. Johnson), and the Senator from Idaho (Mr. Risch) were added as cosponsors of S. J. Res. 47, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to “Arbitration Agreements”.

S. RES. 162

At the request of Mr. Lankford, the name of the Senator from North Carolina (Mr. Burr) was added as a cosponsor of S. Res. 162, a resolution reaffirming the commitment of the United States to promoting religious freedom, and for other purposes.

S. RES. 233

At the request of Mr. Reed, the names of the Senator from Arkansas (Mr. Cotton), the Senator from Georgia (Mr. Isakson), the Senator from Alaska (Mr. Sullivan), the Senator from West Virginia (Mr. Manchin), the Senator from Tennessee (Mr. Corker), and the Senator from Georgia (Mr. Perdue) were added as cosponsors of S. Res. 233, a resolution designating August 16, 2017, as “National Airborne Day”.

AMENDMENT NO. 274

At the request of Mr. Sasse, his name was added as a cosponsor of amendment No. 274 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 275

At the request of Mr. Sasse, his name was added as a cosponsor of amendment No. 275 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 276

At the request of Mr. Kaine, the name of the Senator from Hawaii (Ms. Hirono) was added as a cosponsor of amendment No. 276 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 279

At the request of Mr. Warren, the name of the Senator from New Hampshire (Mrs. Shaheen) was added as a cosponsor of amendment No. 279 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 280

At the request of Ms. Baldwin, the name of the Senator from Massachusetts (Mr. Markey) was added as a cosponsor of amendment No. 280 intended to be proposed to H.R. 1628, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 328

At the request of Ms. Baldwin, the name of the Senator from Wisconsin (Ms. Baldwin) and the Senator from Ohio (Mr. Brown) were added as cosponsors of amendment No. 328 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 341

At the request of Mr. Udall, the name of the Senator from New Mexico (Mr. Heinrich) was added as a cosponsor of amendment No. 341 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

WHEREAS, Mrs. ERNST (for herself, Mr. COTTON, Mrs. SHAHEEN, Mr. INHOFE, Ms. WARREN, Mr. BLUMENTHAL, Mr. KING, Mr. CRUZ, Mrs. GILLIBRAND, Mrs. McCASKILL, Mr. WICKER, Mr. DONELLY, Mr. NEUMANN, Mr. SULLIVAN, Mr. TILLIS, Mr. REED, Mr. ROUNDS, Mr. GRAHAM, Mr. Kaine, Ms. HIRONO, Mr. PETERS, Mr. Sasse, Mr. PERDUE, Mrs. FISCHER, Mr. STRANGE, and Mr. HEINRICH) submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 234

NOW, THEREFORE, BE IT

RESOLVED, That the Senate—

(1) recognizes that—

(A) if not for the heroic actions of the crew of USS Forrestal, the consequences of the fire would have been far more devastating to the Sailors and Marines onboard and the aircraft carrier itself; and

(B) the selfless sacrifices of those who came to the rescue of fellow shipmates and USS Forrestal represent, and are consistent with, the highest traditions of the United States Navy; and

(2) commemorates the 50th anniversary of the USS Forrestal fire; and

(3) expresses gratitude to the Sailors and Marines who served aboard USS Forrestal for their faithful service.

SENATE RESOLUTION 235—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF DEFENSE SHOULD ESTABLISH AN AWARD PROGRAM FOR THE CYBER COMMUNITY OF THE DEPARTMENT OF DEFENSE

WHEREAS, Mr. ROUNDS submitted the following resolution; which was referred to the Committee on Armed Services:

S. Res. 235

NOW, THEREFORE, BE IT

RESOLVED, That the Secretary of Defense should consider—

(1) establishing an award program for employees who carry out the cyber missions or functions of the Department of Defense;

(2) all award options under law or policy, including compensation, time off, and status awards;

(3) awards based upon operational impact and meritorious service;

(4) providing the largest possible opportunity for such members or employees to earn such rewards without regard to type of position, grade, years of service, experience or past performance;

(5) individual and organization rewards; and

(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

WHEREAS, in 1967, the ongoing naval bombing campaign against North Vietnam from Yankee Station in the Gulf of Tonkin was the most intense and sustained air attack operation in the history of the United States Navy;

WHEREAS, in June 1967, USS Forrestal and Carrier Air Wing Seventeen departed Norfolk, Virginia, for duty in the Gulf of Tonkin;

WHEREAS, on July 28, 1967, during an under-way replenishment, the crew of USS Forrestal reluctantly unloaded volatile bombs that were not intended for carrier use in order to meet the combat requirements for strikes the next day;

WHEREAS, despite safety precautions taken by the crew, a devastating fire erupted on USS Forrestal after—

(1) an electrical surge in a parked aircraft caused the aircraft to fire a Zuni rocket that ruptured a fuel tank on another aircraft; and

(2) the burning fuel ignited a chain reaction of 9 bomb explosions on the flight deck;

WHEREAS the explosions destroyed multiple aircraft and tore massive holes in the armed flight deck of USS Forrestal, and burning fuel dripped into the living quarters of the crew and the below-decks aircraft hangar;

WHEREAS, for 18 hours, Sailors and Marines on USS Forrestal, assisted by others from accompanying destroyers, fought to bring the fire under control while hospital corpsmen navigated the mangled flight deck and tended to the wounded; and

WHEREAS, the fire onboard USS Forrestal ultimately—

(1) left 134 men dead and 161 men severely injured;

(2) destroyed more than 21 aircraft; and

(3) caused USS Forrestal to terminate its support to the fight in Vietnam and return to Norfolk, Virginia, for repairs: Now, therefore, be it

RESOLVED, That the Senate—

(1) recognizes that—

(A) an estimated 5,300,000 individuals in the United States are infected with either Hepatitis B or Hepatitis C, including 1,400,000 individuals who are chronically infected with Hepatitis B and 770,000 individuals who are chronically infected with Hepatitis C;

(2) supported broad access to Hepatitis B and Hepatitis C treatments; and

(3) promotes the elimination of viral hepatitis through greater awareness, increased diagnosis, and key interventions: Now, therefore, be it

RESOLVED, That the Senate—

(1) recognizes July 28, 2017, as “World Hepatitis Day 2017”;

Ms. HIRONO (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 236

WHEREAS, the Secretary of Defense should consider—

(1) establishing an award program for employees who carry out the cyber missions or functions of the Department of Defense;

(2) all award options under law or policy, including compensation, time off, and status awards;

(3) awards based upon operational impact and meritorious service;

(4) providing the largest possible opportunity for such members or employees to earn such rewards without regard to type of position, grade, years of service, experience or past performance;

(5) individual and organization rewards; and

(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

WHEREAS, on July 28, 1967, during an under-way replenishment, the crew of USS Forrestal reluctantly unloaded volatile bombs that were not intended for carrier use in order to meet the combat requirements for strikes the next day;

WHEREAS, despite the fact that chronic viral hepatitis is the most common blood-borne infection in the United States, an estimated 5 percent of individuals with Hepatitis B and an estimated 75 percent of individuals with Hepatitis C are unaware of the infection; and

WHEREAS, life expectancies for individuals infected with HIV have increased with antiretroviral treatment, and liver disease (largely attributed to Hepatitis B and Hepatitis C infections) has become the most common cause of death among this population, aside from acquired immune deficiency syndrome; and

WHEREAS, despite the fact that chronic viral hepatitis is the most common blood-borne infection in the United States, an estimated 5 percent of individuals with Hepatitis B and an estimated 75 percent of individuals with Hepatitis C are unaware of the infection; and

WHEREAS, an estimated 150,000,000 individuals in the United States are infected with either Hepatitis B or Hepatitis C, including 1,400,000 individuals who are chronically infected with Hepatitis B and 770,000 individuals who are chronically infected with Hepatitis C; Whereas an estimated 150,000,000 individuals in the United States are infected with either Hepatitis B or Hepatitis C, including 1,400,000 individuals who are chronically infected with Hepatitis B and 770,000 individuals who are chronically infected with Hepatitis C; and

WHEREAS, in 2014, the Centers for Disease Control and Prevention estimated that there were 19,200 new Hepatitis B infections and 30,500 new Hepatitis C infections, respectively, in the United States;

WHEREAS, since 2010, the Centers for Disease Control and Prevention has seen significant increases in the transmission of new hepatitis cases in the United States, with a 151 percent increase in new transmissions of Hepatitis C in the United States between 2010 and 2013; and

WHEREAS, if not for the heroic actions of the crew of USS Forrestal, the consequences of the fire would have been far more devastating to the Sailors and Marines who served aboard USS Forrestal for their faithful service.

WHEREAS, an estimated 5,300,000 individuals in the United States are infected with either Hepatitis B or Hepatitis C, including 1,400,000 individuals who are chronically infected with Hepatitis B and 770,000 individuals who are chronically infected with Hepatitis C;

WHEREAS, in 2014, the Centers for Disease Control and Prevention estimated that there were 19,200 new Hepatitis B infections and 30,500 new Hepatitis C infections, respectively, in the United States;

WHEREAS, since 2010, the Centers for Disease Control and Prevention has found significant increases in the transmission of new hepatitis cases in the United States, with a 151 percent increase in new transmissions of Hepatitis C in the United States between 2010 and 2013; and

WHEREAS, since 2010, the Centers for Disease Control and Prevention has found significant increases in the transmission of new hepatitis cases in the United States, with a 151 percent increase in new transmissions of Hepatitis C in the United States between 2010 and 2013; and
the United States, and 390,000,000 individuals worldwide, who suffer from chronic viral hepatitis.

AMENDMENTS SUBMITTED AND PROPOSED

SA 392. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 393. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 394. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 395. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 396. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 397. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 398. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 399. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 400. Mr. MCCAIN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 401. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 402. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 404. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 405. Ms. DUCKWORTH (for herself and Mr. LEANARD) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 406. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 407. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 408. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table.

SA 409. Mr. FLAKE (for himself, Mr. PAUL, Mr. DONNELLY, and Mr. MURPHY) proposed an amendment intended to be proposed to the bill H.R. 2810, to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

SA 410. Mr. BOOKER (for himself, Mrs. FISCHER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 411. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 412. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 413. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table.

SA 414. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 415. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 416. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 417. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 418. Mr. CRUZ (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 419. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 420. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 421. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 422. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1628, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 423. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 424. Mr. NELSON (for himself and Mr. BURFORD) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 425. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 426. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 427. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 428. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 429. Mr. LANKFORD (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table.

SA 430. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 1628 to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 431. Mr. LARKIN submitted an amendment intended to be proposed by him to the bill H.R. 1628 to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 432. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 1628 to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 433. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 434. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table.

SA 435. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 436. Mr. ROUNDS (for himself and Mr. DRUCE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 437. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 438. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 439. Ms. WARREN (for herself and Mr. LEANARD) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 440. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table.

SA 441. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.
SA 441. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 442. Mr. B LUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 444. Ms. HIRONO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 445. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 446. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 447. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 448. Mr. TESTER (for himself, Mrs. McCaskill, Mr. Franken, Mrs. Murray, and Mr. Brown) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 449. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 450. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 451. Mr. BLUMENTHAL (for himself, Mr. Whitehouse, Mr. Durbin, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 452. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 453. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 454. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 455. Mr. BROWN (for himself and Mr. Portman) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 456. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 457. Mr. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 458. Mr. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 459. Mr. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 460. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 461. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 462. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 463. Mr. FLAKE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 464. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 465. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 466. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 467. Mr. LEE (for himself, Ms. COLLINS, Mrs. FINKELSTEIN, Mr. WHITEHOUSE, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 469. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 470. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 472. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 473. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 474. Mr. LEE (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 475. Mr. LEE (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 476. Mr. SULLIVAN (for himself, Mr. Hovden, Ms. Murkowski, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 477. Mr. Hleanup submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 478. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.
be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 499. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 500. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 501. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 502. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 503. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 504. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 505. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 506. Mr. McCaskill submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 507. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 508. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 509. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 510. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 511. Mr. SULLIVAN (for himself, Mr. PERDUE, Mr. CORNYN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 512. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 513. Mr. McCAIN (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 514. Mr. REED (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 515. Mr. MARKES (for himself, Mr. CARDIN, Mr. VAN HOLEN, and Ms. WARNEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 516. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; for authorization appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 517. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 518. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 519. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 520. Ms. CORNYN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 521. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 522. Mr. CORNYN (for himself, Mr. BLUMENTHAL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 523. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 524. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 525. Mr. WHITEHOUSE (for himself, Mr. DAINES, Mr. PETRIS, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 526. Mr. WHITEHOUSE (for himself, Mr. PETERS, Mr. Tester, Ms. Warren, and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 527. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 528. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 529. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 530. Mrs. mccaskill (for herself and Mr. Risch) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; for other purposes; which was ordered to lie on the table.

SA 531. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 532. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 533. Mrs. CAPITO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 534. Mrs. CAPITO (for herself, Mr. CORNYN, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 535. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 536. Mr. CRUZ (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 537. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 538. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 539. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 540. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 541. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 542. Mr. TILLIS (for himself and Mr. NUNN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 543. Mr. SULLIVAN (for himself and Mr. MARKES) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 544. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; for authorization appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 545. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 546. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BOLDWIN, Ms. HIRONO, Mr. KLOBUCHAR, Mr. HIRONO, Ms. HIRONO, Ms. HEITKAMP, Ms. SABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLEN, and Ms. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 547. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BOLDWIN, Ms. HIRONO, Mr. KLOBUCHAR, Mr. HIRONO, Ms. HIRONO, Ms. HEITKAMP, Ms. SABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLEN, and Ms. WARNER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.
SA 548. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HERSCHFELD) submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 549. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 550. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 551. Mr. HOEVEN (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 552. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 553. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 554. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 555. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 556. Mr. GARDNER (for himself, Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 557. Mr. GARDNER (for himself, Mr. WARNER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 558. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 559. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 560. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 562. Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 563. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 564. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 565. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 566. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 567. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 568. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 569. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 570. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 571. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 572. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 573. Mr. DONNELLY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 574. Ms. HICKAM (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 575. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 576. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 577. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 578. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 579. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 580. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 581. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 582. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 583. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 584. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 585. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 586. Mr. GRAHAM (for himself, Mr. CASSIDY, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; to provide for reconciliation of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 587. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 588. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 589. Mr. JOHNSON (for himself and Mr. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 590. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 591. Ms. HICKAM submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 592. Mr. DURBAN (for himself, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 593. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BROWN, Mrs. GILLIBRAND, Mr. WARREN, Mr. WHITEHOUSE, Mr. NELSON, Ms. BALDWIN, Mr. ROUNDS, Mr. FRANKIN, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 594. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 595. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 596. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.
to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 602. Mr. McCAIN (for himself, Mr. FLAKE, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 603. Mr. KING (for himself and Mr. COT-LINS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 606. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 606. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 607. Mr. MARKEY (for himself, Mr. GARDNER, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 608. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 609. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 610. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 611. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 612. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 613. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 614. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 615. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 616. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table.

SA 617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 618. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 619. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 620. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 621. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 622. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 623. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 624. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 625. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 626. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 627. Mr. CARDIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 628. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 629. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 630. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 631. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 632. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 634. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 636. Mr. PERDUE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 638. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 639. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 643. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 644. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 645. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 627 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 646. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 627 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 647. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 627 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 650. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 652. Mr. WYDEN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 653. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 654. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 655. Ms. KLOBUCHAR (for herself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 656. Ms. KLOBUCHAR (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 657. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.
SA 658. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 659. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 660. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 661. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 662. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 663. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 664. Mrs. SHAHEEN (for herself and Mr. SASSAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 665. Mr. BROWN (for himself, Mr. BOOKER, and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 666. Mr. BROWN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 667. Mr. MCCONNELL proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

SA 668. Ms. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 669. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 670. Mr. TESTER (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 671. Ms. DUCKWORTH (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 672. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 673. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 674. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 675. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 676. Mr. CASEY (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 677. Mr. SCHÄTZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 678. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 679. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 680. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 681. Mr. JOHNSON (for himself, Mrs. EINSTEIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 682. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 683. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 684. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 685. Ms. WARNEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 686. Ms. WARNEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 687. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 688. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 689. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 690. Ms. MURKOWSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 691. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 692. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mr. PETERS, Mr. JACKSON, and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 693. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 694. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 695. Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 696. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 698. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 699. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 700. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 701. Ms. HARRIS (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 702. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 703. Ms. HIROKO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 704. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 705. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 706. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 707. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 708. Mr. COCHRAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 709. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 710. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 711. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 712. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.
SA 713. Mr. PORTMAN (for himself and Mr. MORPHY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 713. Mr. CARSTEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 717. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 718. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 719. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 720. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 721. Mr. CANTWELL submitted an amendment intended to be proposed to amendment SA 677 proposed by Mr. MCCONNELL to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 722. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 723. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 724. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 725. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 726. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 727. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 728. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 729. Mr. NELSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 731. Mr. NELSON (for himself, Mr. CORNYN, Mr. WARNER, Mr. TILLIS, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 739. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 740. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 741. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 742. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 743. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 744. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SEC. 2814. TREATMENT AS IN-KIND CONSIDERATION OF FINANCIAL SUPPORT AND SERVICES PROVIDED BY FINANCIAL SUPPORTING INSTITUTIONS ON LAND LEASED ON MILITARY INSTALLATIONS. Section 2677 of title 10, United States Code, is amended—

(a) by inserting the following after subsection (c):-

"(1) The Defense Biometric Identification System (DBIDS);"

(b) after subsection (b) by inserting the following after subsection (c):-

"(A) In the case of a lease under this section that is entered into prior to the period described in paragraph (4), the lessee shall, to the extent practicable, integrate the terms of the lease with the terms of the system described in paragraph (4)."

(c) in paragraph (4) by inserting the following:-

"The term "system described in paragraph (4)" means the system described in subparagraph (A)."

(d) in paragraph (4) by inserting the following:-

"(A) In the case of a lease under this section that is entered into prior to the period described in paragraph (4), the lessee shall, to the extent practicable, integrate the terms of the lease with the terms of the system described in paragraph (4)."

SEC. 2815. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATION ACCESS CONTROL INITIATIVES.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the extent to which the Department of Defense has implemented any specific access control initiatives under section 2377 of title 10, United States Code.

(b) Elements.—The report shall include the following:

(1) A review of the Department of Defense’s efforts to implement any specific access control initiatives under section 2377 of title 10, United States Code.

(2) An assessment of the Department of Defense’s efforts to implement any specific access control initiatives under section 2377 of title 10, United States Code.
which the Department has taken an enterprise-wide approach to developing those requirements and identifying capability gaps.

(2) A description of capabilities (processes and systems) that are in place at military installations that currently meet these requirements.

(3) A summary of which options, including business process reengineering, the Department of Defense is assessing which options to pursue in terms of cost, schedule, and potential performance and to what extent the Department will follow directly the Federal Acquisition Regulation and Defense Supplement to the Federal Acquisition Regulation to consider commercial products and services.

SEC. 1048. ACCESS OF VETERANS SERVICE ORGANIZATIONS TO MILITARY INSTALLATIONS IN THE UNITED STATES FOR SUPPORT OF PRE-SEPARATION COUNSELING AND RELATED BENEFITS TO MEMBERS OF THE ARMED FORCES.

(a) Access to Be Authorized.—

(1) In General.—Under regulations prescribed by the Secretary of Defense for purposes of this section, commanders of military installations in the United States shall permit representatives of veterans service organizations, to provide pre-separation counseling and related benefits under chapter 86 of title 10, United States Code, to members of the Armed Forces stationed at such installations.

(b) Scope of Access.—Any access to an installation under this subsection shall occur only in a manner fully consistent with the maintenance of security and safety at such installation.

(c) veterans Service Organizations.—For purposes of this section, veterans service organizations are organizations recognized by the Secretary of Veterans Affairs pursuant to section 5902 of title 38, United States Code.

(d) Regulations.—In prescribing regulations for purposes of this section, the Secretary of Defense shall avoid the following:

(1) The recommendation or endorsement of a particular veterans service organization or any other person or organization for United States defense and foreign policy interests in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(2) Any other matters the Comptroller General considers appropriate.

SEC. 2803. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR LIMITATIONS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION ACTIVITIES.

Section 2803 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Adjustment of Dollar Limitations for Location.—Each fiscal year, the Secretary of Defense shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project."

SEC. 2803. REVITALIZATION OF JUNGLE OPERATIONS TRAINING RANGES.

(a) Authorizes.—For the renovation of jungle operations training ranges under the jurisdiction of the Secretary of the Army, the Secretary may obligate and expend—

(1) from appropriations available to the Secretary for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $1,000,000, notwithstanding section 2805(c) of title 10, United States Code; or

(2) from appropriations available to the Secretary for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,000,000.

(b) Notification Requirement.—When a decision is made to carry out an unspecified
minor military construction project to which subsection (a) is applicable, the Secretary shall notify in writing the congressional defense committees of that decision, of the justification for the project, and of the estimated cost of the project in accordance with section 2805(b) of title 10, United States Code.

(SUNSET.—The authority to carry out a project under subsection (a) shall expire at the close of September 30, 2019.

SA 400. Mr. McCaIN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Beginning on page 35, strike lines 8 through 23 and insert the following:

"(3) APPLICABLE ANNUAL INFLATION FACTOR.—In paragraph (2), the term 'applicable annual inflation factor means, for a fiscal year—

"(A) for each of the 1903A enrollee categories described in subparagraphs (C), (D), and (E) of subsection (e)(2), the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved, plus 1 percentage point; and

"(B) for each of the 1903A enrollee categories described in subparagraphs (A) and (B) of subsection (e)(2), the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved, plus 2 percentage points.

SA 401. Mr. McCaIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Beginning on page 10, strike lines 21 and all that follows through page 11, line 5, and insert the following:

"(ii) in subparagraph (B)(ii)—

"(I) in subclause (IV), by striking the semicolon and inserting ';' and';

"(II) in subclause (V), by striking '"2018 is 90 percent'" and inserting '"2018 is 90 percent and'"; and

"(III) by striking subclause (VI).

SA 402. Mr. McCaIN submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 107 and insert the following:

SEC. 107. MEDICAID EXPANSION.

(a) In general.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting "and ending December 31, 2019," after "2014," and after "2014," and by adding at the end the following new subclause:

"(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (n)(1)(A)); and

(B) in subsection (e)(2)—

(i) in subparagraph (A)—

(I) by inserting "through 2025" after "each year thereafter"; and

(II) by striking "shall be equal to" and inserting "and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and"; and

(ii) in subparagraph (B)(ii)—in other than

(b) SUNSET OF MEDICAID ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following:

"(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (n)(1)(A)); and

(b) by adding at the end the following new subclause:

"(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (n)(1)(A)); and

"(B) who is not pregnant;" and

"(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVII;" and

iii) in subparagraph (B)(ii)—

"(I) in subclause (IV), by striking the semicolon and inserting ';' and';

"(II) in subclause (V), by striking '"2018 is 90 percent'" and inserting '"2018 is 90 percent and'"; and

"(III) by striking subclause (VI).

"(II) in subclause (V), by striking '"2018 is 90 percent'" and inserting '"2018 is 90 percent and'"; and

"(III) by striking subclause (VI).

(b) by adding at the end the following new subclause:

"(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (n)(1)(A)); and

"(B) who is not pregnant;" and

"(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVII;" and

"(II) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVII;" and

"(I) by inserting "through 2025" after "each year thereafter"; and

"(II) by striking "shall be equal to" and inserting "and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and"; and

"(III) by striking subclause (VI).

"(II) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVII;" and

"(I) by inserting "through 2025" after "each year thereafter"; and

"(II) by striking "shall be equal to" and inserting "and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and"; and

"(III) by striking subclause (VI).
described in subclause (VIII) of section 1902(a)(10)(A)(1), and, with respect to amounts expended by such State after December 31, 2019, and before January 1, 2030, for expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and 

(ii) in subparagraph (D), by striking “and” after the semicolon;

(iii) by striking subparagraph (E) and inserting the following new subparagraphs:

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in the pilot program shall enter into an agreement with the Under Secretary regarding participation in the pilot program.

(2) ELEMENTS.—A graduate or undergraduate student shall enter into the agreement under this subsection as follows:

(A) To accept a term appointment with the Department of Defense as described in subsection (e).

(B) To obtain and maintain a security clearance at the secret level or higher during participation in the pilot program.

(3) PARTICIPANTS.—Each graduate or undergraduate student participating in the pilot program may be known as an “Acquisition Collegiate Program Intern” or “ACP”.

(e) APPOINTMENT.

(1) IN GENERAL.—Each graduate or undergraduate student participating in the pilot program shall be appointed to a renewable term appointment in a position in the Department of Defense Acquisition Workforce developing such acquisition or acquisition-related duties, and for such term, as the performance plan of the student under subsection (e).

(2) SCOPE OF APPOINTMENT AUTHORITY.—Appointments under the pilot program may be made in accordance with the provisions of subsection (b)(1)(B).

(f) COMPENSATION.—

(1) IN GENERAL.—The rates of compensation for graduate and undergraduate students in a position under the pilot program pursuant to an initial appointment under the pilot program shall be established in accordance with guidance issued by the Secretary for purposes of the pilot program.

(2) FUNDS.—Funds for the compensation of graduate and undergraduate students appointed under the pilot program may be derived from amounts in the Department of Defense Acquisition Workforce Development Fund.

(g) WORK SCHEDULES.—The work schedule of a graduate or undergraduate student participating in the pilot program shall include a formal schedule of work and study designed to ensure that periods of work do not interfere with the taking of courses.

(h) PROMOTION.—Each graduate or undergraduate student participating in the pilot program shall be evaluated for performance in the position to which appointed in accordance with the performance plan issued to the student upon appointment under the pilot program.

(i) TERMINATION.—A graduate or undergraduate student participating in the pilot program may be terminated in accordance with the performance plan issued to the student upon appointment under the pilot program.

(j) TERMINATION.—A graduate or undergraduate student participating in the pilot program may be terminated by the student of the student in Department after a conversion in accordance with the performance plan, whether with or without an intervening term appointment in the competitive service.

(l) TERMINATION.—

(1) IN GENERAL.—The authority to appoint graduate or undergraduate students to positions under the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

(2) EFFECT ON EXISTING APPOINTMENTS.—The termination by paragraph (1) of the authority for appointment to positions under the Act, which shall not affect any appointment made under that authority before the termination date specified in that paragraph in accordance with the terms of such appointment.

SEC. 407. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2610, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

(1) families of employees of the United States Capitol Police who were killed in the line of duty; or

(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking “The Capitol Police Board” and inserting “(a) IN GENERAL.—The Capitol Police Board”; and

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

“(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 4(b)), including regulations—

“(1) establishing the conditions under which the family of an employee or an employee eligible to receive such payments is entitled to receive such payments; and

“(2) providing for the amount, timing, and manner of such payments; and

“(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers’ compensation, as provided in chapter 81 of title 5, United States Code.”;

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of section 1 of Public Law 105–223 (2 U.S.C. 1951) is amended by striking “depository into the Fund” and inserting “deposited into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017.”;

SA 408. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for recompilation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

Strike sections 123 through 139.

SA 409. Mr. FLAKE (for himself, Mr. PAUL, Mr. DONNELLY, and Mr. MURPHY) proposed an amendment to the bill H.R. 3298, to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, 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 “Wounded Officers Recovery Act of 2017”.

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

(1) families of employees of the United States Capitol Police who were killed in the line of duty; or

(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking “The Capitol Police Board” and inserting “(a) IN GENERAL.—The Capitol Police Board”; and

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

“(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 4(b)), including regulations—

“(1) establishing the conditions under which the family of an employee or an employee eligible to receive such payments is entitled to receive such payments; and

“(2) providing for the amount, timing, and manner of such payments; and

“(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers’ compensation, as provided in chapter 81 of title 5, United States Code.”;

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of section 1 of Public Law 105–223 (2 U.S.C. 1951) is amended by striking “depository into the Fund” and inserting “deposited into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017.”;

SA 410. Mr. BOOKER (for himself, Mrs. FISCHER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2610, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,
to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) In General.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2018, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,800,000, of which—

(A) $75,751,000 shall be for Academy operations, including—

(i) the implementation of section 3514(b) of the National Defense Authorization Act for Fiscal Year 2017, as added by section 3508; and

(ii) staffing, training, and other actions necessary to prevent and respond to sexual harassment and sexual assault; and

(B) $20,051,000 shall remain available until expended for capital asset management at the Academy;

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $1,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels; and

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates;

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $36,000,000, which shall remain available until expended;

(4) For expenses necessary to support Maritime Administration operations and programs, $38,694,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, which shall remain available until expended.

(6) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $310,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(b) Assistance for Small Shipyards and Maritime Communities.—Section 54101(i) of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking—and" and adding—"and; and

(B) in paragraph (2), by striking the period at the end and adding a period; and

(2) by striking subsections (c) and (d).

SEC. 3502. REMOVAL ADJUNCT PROFESSOR LIMIT AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51317 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" and adding—"and; and

(B) in paragraph (2), by striking the period at the end and adding a period; and

(2) by striking subsections (c) and (d).

SEC. 3503. ACCEPTANCE OF GUARANTEES IN CONJUNCTION WITH PARTIAL DONATIONS FOR MAJOR PROJECTS OF THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) Guarantor.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

851320. Acceptance of guarantees with gifts for major projects

(a) Definitions.—In this section:

(i) Major project.—The term ‘major project’ means a project estimated to cost at least $1,000,000 for—

(A) the purchase of other procurement of real or personal property; or

(B) the construction, renovation, or repair of real or personal property.

(ii) Major United States commercial bank.—The term ‘major United States commercial bank’ means a commercial bank that—

(A) is an insured bank (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)));

(B) is headquartered in the United States; and

(C) has total net assets of an amount considered by the Maritime Administrator to qualify the bank as a major bank.

(b) Major United States Investment Management Firm.—The term ‘major United States investment management firm’ means—

(i) an any broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78a));

(ii) a any investment adviser or provider of investment supervisory services (as such terms are defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2)); or

(iii) a any major United States commercial bank.

(c) Obligation Authority.—The term ‘obligation authority’ means—

(i) the United States government;

(ii) an any qualified account control agreement; or

(iii) a any qualified guarantee.

(d) Obligation Authority Authority.—The term ‘obligation authority’ means—

(i) the United States government;

(ii) an any qualified account control agreement; or

(iii) a any qualified guarantee.

(e) Prohibition on Commingling Funds.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

(f) Payment of Expenses.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project unless the donor furnishes sufficient funds or other resources in connection with the project.

(g) Notice.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which the Maritime Administrator determines by a written report to Congress that the project will be completed.

(h) Requirement for Notice.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction unless the Maritime Administrator determines by a written report to Congress that the project will be completed.

(i) Requirement for Notice.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction unless the Maritime Administrator determines by a written report to Congress that the project will be completed.

SEC. 3504. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNEC- TION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 53135 of title 46, United States Code, is amended by inserting at the end the following:

51320. Acceptance of guarantees with gifts for major projects.
SEC. 3505. AUTHORITY TO PARTICIPATE IN FEDERAL, STATE OR OTHER RESEARCH GRANTS.

(a) RESEARCH GRANTS.—Chapter 513 of title 46, United States Code, as amended by sections 3503 through 3505, is further amended by adding at the end the following:

*(S 35121. Grants for scientific and educational research*—

(a) DEFINED TERM.—In this section, the term ‘qualifying research grant’ is a grant that—

(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

(2) is to be used to carry out a research project with a scientific or educational purpose.

(b) ACCEPTANCE OF QUALIFYING RESEARCH GRANTS.—The Secretary of Transportation is authorized to accept qualifying research grants if the work under the grant is to be carried out by a professor or instructor of the United States Merchant Marine Academy.

(c) ADMINISTRATION OF GRANT FUNDS.—

(1) ESTABLISHMENT OF ACCOUNT.—The Maritime Administrator shall establish a separate account for administering funds received from research grants under this section.

(2) USE OF GRANT FUNDS.—The Superintendent shall use grant funds deposited into the account established pursuant to paragraph (1) in accordance with applicable regulations and the terms and conditions of the respective grants.

(3) CALLS FOR PROPOSALS.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Merchant Marine Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, a qualifying research grant.

(S) CONCLUSION.—The table of sections for chapter 513 of title 46, United States Code, as amended by section 3505(b), is further amended by adding at the end the following:

*S 35132. Grants for scientific and educational research.*
“(i) Information on working with and interviewing persons subjected to sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

(ii) Information on particular types of conduct that would constitute sexual harassment, dating violence, domestic violence, sexual assault, or stalking, regardless of gender, including sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

(iii) Information on consent and the effect that alcohol may have on an individual’s ability to consent;

(iv) Information on the effects of trauma, including the neurobiology of trauma;

(v) Training on cultural awareness regarding how dating violence, domestic violence, or stalking may impact midshipmen differently depending on their cultural background;

(vi) Information on sexual assault dynamics, including informed interview techniques, which means asking questions of an individual who has been a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

(vii) Training on the neurobiology of trauma-informed interview techniques, which means asking questions of an individual who has been a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

(viii) Training on how dating violence, domestic violence, or stalking may impact midshipmen differently depending on their cultural background.

(ix) Information on sexual assault dynamics, including informed interview techniques, which means asking questions of an individual who has been a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

(x) Training on sexual assault response staff of the Academy that is outside of the chain of command of the Academy.

(xi) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xii) Training on the implementation and maintenance of a plan to combat sexual assault response coordinators at the Academy as necessary.

(xiii) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xiv) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xv) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xvi) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xvii) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xviii) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xix) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(xx) Training provided to the Academy’s Midshipman Regulations or equivalent code of conduct.

(1) IN GENERAL.—No requirement related to confidentiality in this section or section 51319 may be construed to prevent a sexual assault response coordinator from providing information for any report required by law regarding sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

(2) IDENTIFICATION PROTECTION.—Any information provided for a report referred to in paragraph (1) shall be provided in a manner that protects the identity of the victim or witness.”

(2) DEFINITIONS.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2782), is amended by adding at the end the following: ”(a) PREVENTION AND RESPONSE STAFF.—(1) IN GENERAL.—The Maritime Administration, in coordination with the Director of the Maritime Administration, shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

(2) SELECTION CRITERIA.—Each sexual assault response coordinator shall be selected based on—

(A) experience and a demonstrated ability to effectively provide victim services related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

(B) protection of the individual under applicable law to provide privileged communication.

(3) CONFIDENTIALITY.—A sexual assault response coordinator shall, to the extent authorized under applicable law, provide confidential services to a midshipman who reports being a victim of, or witness to, sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

(B) protection of the individual under applicable law to provide privileged communication.

(4) TRAINING.—(A) VERIFICATION.—Not later than 90 days after the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator, in consultation with the Director of the Maritime Administration Office of Civil Rights, shall conduct a verification by each sexual assault response coordinator that each sexual assault response coordinator has completed proper training.
"(B) TRAINING REQUIREMENTS.—The training referred to in subparagraph (A) shall include training in—

(i) working with victims of sexual harassment, domestic violence, sexual assault, and stalking;

(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, domestic violence, sexual assault, and stalking; and

(iii) national, State, and local victim services and resources available to victims of sexual harassment, domestic violence, sexual assault, and stalking.

"(C) COMPLETION OF TRAINING.—A sexual assault response coordinator shall complete the training referred to in subparagraphs (A) and (B) not later than—

(i) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

(ii) 180 days after starting in the role of sexual assault response coordinator.

"(D) Duties.—A sexual assault response coordinator shall—

(1) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

(2) inform the victim of—

(i) the victim’s rights under applicable law;

(ii) options for reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or a criminal, civil, or tribal court; and

(iii) how to access available services, including emergency medical care, medical forensic or evidentiary examinations, legal services, services provided by rape crisis centers and other victim service providers, services provided by the volunteer sexual assault victim advocate at the Academy, and crisis intervention counseling and ongoing counseling;

(iv) a mentor’s ability to assist in arranging access to such services, with the consent of the victim;

(v) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services;

(vi) a mentor’s ability to assist in arranging such accommodations, with the consent of the victim;

(vii) the victim’s rights and the Academy’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the Academy or a criminal, civil, or tribal court; and

(viii) privacy limitations under applicable law.

(2) represent the interests of any midshipman who reports being a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking, even if such interests are in conflict with the interests of the Academy;

(3) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

(4) liaise with appropriate staff at the Academy, with the victim’s consent, to arrange reasonable accommodations through the Academy to allow the victim to change living arrangements, obtain accessibility services, or access other accommodations;

(5) maintain the privacy and confidentiality of the victim, and shall not notify the Academy or any other authority of the identity of the victim or the alleged circumstantial evidence surrounding the reported incident unless—

(i) otherwise required by applicable law;

(ii) requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if the information is shared; or

(iii) notwithstanding clause (i) or clause (ii), there is risk of imminent harm to other individuals;

(G) assist the victim in contacting and reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or law enforcement, if requested to do so by the victim; and

(H) submit to the Director of the Maritime Administration Office of Civil Rights an annual report summarizing how the resources supplied to the coordinator were used during the prior year, including the number of victims assisted by the coordinator.

"(b) OVERSIGHT.—

(1) In general.—(A) Reporting.—Each sexual assault response coordinator shall—

(i) report directly to the Superintendent; and

(ii) have concurrent reporting responsibility to the Executive Director of the Maritime Administration on matters related to the Maritime Administration and the Department of Transportation and upon belief that the Academy leadership is acting inappropriately regarding sexual assault prevention and response.

(B) Support.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator and intercede on behalf of the victim, including referral to a attorney, legal representation, crisis intervention counseling and ongoing counseling;

(2) Prohibition on Investigation by the Academy.—Any request by a victim for an accommodation, as described in subsection (a)(5)(F), made by a sexual assault response coordinator to the Academy, even if such coordinator deals only with matters relating to sexual harassment, dating violence, domestic violence, sexual assault, or stalking prevention matters.

(3) Prohibition on Retaliation.—A sexual assault response coordinator, victim advocate, or companion may not be disciplined, penalized, or otherwise retaliated against by the Academy for representing the interests of the victim, even if such interests are in conflict with the interests of the Academy.

(4) Access of United States Vessels to the Department of Defense SAFE Helpline.

(A) in general.—The Secretary of Transportation, through the Superintendent of the United States Merchant Marine Academy, and the Secretary of Defense shall jointly provide for the access to and use of the Department of Defense SAFE Helpline by midshipmen at the Merchant Marine Academy.

(B) Training.—The training provided to personnel of the Department of Defense SAFE Helpline shall include training on the resources available to midshipmen at the Merchant Marine Academy in connection with sexual assault, domestic violence, dating violence, and stalking.

(5) Repeal of duplicative requirements.

Sections (c) of title 51 (section 51320. Protection of students from sexual assault onboard vessels) and section 51321 (section 51321. Protection of students from sexual assault onboard vessels) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following new section:

"51320. Protection of students from sexual assault onboard vessels.

(a) Provision of individual satellite communication devices during sea year.—

(1) In general.—The Maritime Administration shall require each midshipman who is enrolled in the United States Merchant Marine Academy to be provided with a satellite communication device.

(2) Check-in.—Not less often than once each week, each such midshipman shall check-in with designated personnel at the Academy via the maritime satellite communication device.

(b) Riding gangs.—The Maritime Administrator shall—

(1) require the owner or operator of any commercial vessel carrying a midshipman of the Academy to certify their compliance with the International Convention for Safety of Life at Sea, 1974, with London November 1, 1974 (32 UST 47) and section 8106; and

(2) ensure the Academy informs midshipmen preparing for Sea Year of the obligations that vessel owners and operators have to provide for the security of individual midshipmen who are less than 18 years of age and the commercial vessels that host a midshipman from the Academy.

(2) Removal of students.—If such staff determine that such a commercial vessel is in violation of the sexual assault policy developed by the Academy through such a check, such staff are authorized to remove any midshipman of the Academy from such vessel and report any such violation to the company that owns the vessel.

(d) Maintenance of sexual assault training records.—The Maritime Administration shall—

(1) require each company or seafarer union for a commercial vessel to maintain records of the number of members of the crew and passengers of any vessel hosting a midshipman from the Academy.

(2) Sea year survey.—(A) Requirement.—The Maritime Administrator shall require each midshipman from the Academy upon completion of the midshipman’s Sea Year to complete a survey regarding the environment and conditions during the Sea Year.

(B) Availability.—The Maritime Administrator shall make available to the public the following:

(1) the questions used in the survey required by paragraph (1); and

(2) the aggregated data received from such survey.

(e) Table of sections amendment.—The table of sections for chapter 513 of title 46, Merchant Marine, is amended by adding at the end the following:

"51320. Protection of students from sexual assault onboard vessels."
who conducts investigations and who is assigned to the Regional Investigations Office in New York, New York—
(1) to participate in specialized training in conducting sexual assault investigations; and
(2) to attend at least 1 Federal Law Enforcement Training Center (FLETC) sexual assault investigation course, or equivalent sexual assault investigation training course, as determined by the Inspector General, each year.

SA 411. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 2. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—
(1) by striking subsection (a) and inserting the following:

"(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution;"
(2) by redesigning subsection (b) as subsection (c); and
(3) by inserting after subsection (a) the following:

"(b) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 114-92; 10 U.S.C. 1021 note) is repealed.

SA 412. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 3. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.


(b) REPEAL.—Effective as of the date that is six months after the date of the enactment of this Act, the following are repealed:


SA 413. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to prohibit appropriations for fiscal year 2018 for activities of the Department of Energy, to prescribe military activities of the Department of Energy, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. SMALL BUSINESS HEALTH PLANS.

(a) TAX TREATMENT OF SMALL BUSINESS HEALTH PLANS.—A small business health plan (as defined in section 801(a) of the Employee Retirement Income Security Act of 1974) shall be treated—
(1) as a group health plan (as defined in section 7701 of the Public Health Service Act (42 U.S.C. 300gg et seq.) and title XXVII of the Public Health Service Act (42 U.S.C. 300bb-1));
(2) as a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for purposes of applying sections 4980B and 5000 and chapter 10 of the Internal Revenue Code of 1986; and

(b) RULES.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

"PART 8—RULES GOVERNING SMALL BUSINESS HEALTH POOLS

SEC. 801. SMALL BUSINESS HEALTH PLANS.

(a) IN GENERAL.—For purposes of this part, the term ‘small business health plan’ means a fully insured group health plan, of which any person is an eligible individual, issued in the large group market, whose sponsor is described in subsection (b).

(b) SPONSOR.—The sponsor of a group health plan is described in this subsection if such sponsor—

(1) is a qualified sponsor and receives certification by the Secretary; and

(2) is comprised of an organization established in good faith, with a constitution or bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis;

(3) is established as a permanent entity;

(4) is established for a purpose other than providing health benefits to its members, such as an organization established as a bona fide trade association, franchise, or section 7705 organization; and

(5) does not condition membership on the basis of a minimum group size.

SEC. 802. FILING FEE AND CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

(a) FILING FEE.—A small business health plan sponsor shall pay at the time of filing an application for certification under subsection (b) a filing fee in the amount of $5,000, which shall be available to the Secretary for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

(b) CERTIFICATION.—
(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall prescribe by interim final rule a procedure under which the Secretary—

(A) will certify a qualified sponsor of a small business health plan, upon receipt of an application that includes the information described in paragraph (2); and

(B) may provide for continued certification of small business health plans under this part;

(2) REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AND AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.


(b) REPEAL.—Effective as of the date that is six months after the date of the enactment of this Act, the following are repealed:


SEC. 803. PARTICIPATION AND COVERAGE REQUIREMENTS.

(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection apply to small business health plans for all employers and employees and individuals through the taxable year ending in calendar year 2018.

(b) SPONSOR.—A small business health plan shall be deemed certified until such time as the applicable authority finds that the small business health plan involved fails to comply with the requirements of this part.

(c) CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it is filed in a manner that shall be prescribed by the applicable authority by regulation, at least the following information:

(1) Identifying information.

(2) States in which the plan intends to do business.

(3) Bonding requirements.

(4) Plan documents.

(5) Agreements with service providers.

(d) EXPEDITED AND DEEMED CERTIFICATION.—

(1) IN GENERAL.—If the Secretary fails to act on a complete application for certification under this section within 90 days of receipt of such complete application, the Secretary shall be deemed certified except as otherwise provided in this part.

(2) REQUIRED CERTIFICATION.—A certification granted under this part shall be effective unless written notice of such certification is filed by the sponsor with the applicable State authority of each State in which the small business health plan operates.

(e) EXPEDITED AND DEEMED CERTIFICATION.—

(1) IN GENERAL.—If the Secretary fails to act on a complete application for certification under this section within 90 days of receipt of such complete application, the Secretary shall be deemed certified until such time as the Secretary finds such application fails to comply with the requirements of this part.

(2) PENALTY.—The Secretary may assess a penalty against the board of trustees, plan administrator, and plan sponsor (jointly and severally) of a small business health plan sponsor that is deemed certified under paragraph (1) of up to $50,000 in the event the Secretary determines that the application for certification of such business health plan sponsor was willfully or with gross negligence incomplete or inaccurate.
are met with respect to a small business health plan if, under the terms of the plan—

(1) each participating employer must be—

(A) a member of the sponsor;

(B) an affiliated member of the sponsor; or

(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual or entity that is, or has been, under the control of one or more of the employers, or one of its members, or that is in control of one or more of the employers, or one of its members, or that is, or has been, an employee of any of any of the employers, or one of its members, or that is, or has been, a partner in any of any of the employers, or one of its members, or that is, or has been, a co-owner of any of any of the employers, or one of its members, or that is, or has been, a co-owner of a member of such association or professional or other organization, or any person who is such an employer with or without employees.

(2) the participant is an employer participating employer may also include such employer; or

(3) the participant is a member of such association or professional or other organization,

SEC. 804. DEFINITIONS; RENEWAL

&ine; (a) SELF-ONLY COVERAGE—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "$2,500" and inserting "$10,800".

(b) FAMILY COVERAGE—Section 223(b)(2)(B) of the Internal Revenue Code of 1986 is amended by striking "$4,500" and inserting "$29,500".

(c) COST-OF-LIVING ADJUSTMENT—Section 223(g) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking "subsections (b)(2) and (3)" both places it appears and inserting "subsection (b)(2)";

(2) in paragraph (1)(B), by striking "determined by" and all that follows through "calendar year 2003," and inserting "determined by substituting "calendar year 2003" for "calendar year 1992" in subparagraph (B) thereof;".

(3) by redesignating paragraph (2) as paragraph (3), and inserting as paragraph (2) and inserting "calendar year 2003," and inserting "determined by substituting "calendar year 2003" for "calendar year 1992" in subparagraph (B) thereof;"

(4) by inserting "or (2)" after paragraph (1) in paragraph (3), as so redesignated, and

(5) by inserting after paragraph (1) the following new paragraph:

"(2) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act."
SA 416. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INCREASED FMAP FOR STATES THAT ADOPT MEDICAL LIABILITY REFORM LEGISLATION.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (y), in the first sentence, by striking ‘‘and (aa)’’ and inserting ‘‘(aa), and (ee)’’;

(2) in subsection (cc),—

(A) by striking ‘‘(aa) and (aa)’’ and inserting ‘‘(aa), and (ae)’’; and

(B) by inserting ‘‘(or, in the case of an increase under subsection (ee), for the fiscal quarter occurring immediately prior to the first fiscal quarter during which the State is eligible for such increase)’’ after ‘‘December 31, 2016’’; and

(3) by striking at the end the following:

‘‘(ee) INCREASED FMAP FOR MEDICAL LIABILITY REFORM—

‘‘(1) IN GENERAL.—For fiscal years beginning on or after October 1, 2017, notwithstanding subsection (b), for a State that is one of the 50 States or the District of Columbia and meets the requirements of paragraph (2) for the entire fiscal year, the Federal medical assistance percentage otherwise determined under such subsection and subsections (y), (z), and (aa) for the State and year shall be increased by 1 percentage point.

‘‘(2) LIMITATIONS ON NONECONOMIC DAMAGES IN MEDICAL LIABILITY CASES.—A State meets the requirements of this paragraph if State law provides that, in any action on a health care liability claim where judgment is rendered for a claimant, regardless of the number of defendants against whom judgment is rendered or the number of separate causes of action on which the claim is based—

(A) the aggregate amount of noneconomic damages recoverable from one or more physicians or health care providers that are not health care institutions (inclusive of all persons and entities associated with the institution for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $250,000 for each claimant; and

(B) the maximum amount of noneconomic damages recoverable from any single health care institution (inclusive of all persons and entities associated with the institution for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $250,000, for each claimant.

‘‘(3) NONECONOMIC DAMAGES.—In this subsection, the term ‘noneconomic damages’ means damages awarded for the purpose of compensating a claimant for physical pain and suffering, both physical and emotional pain or anguish, loss of consortium, disfigurement, physical impairment, loss of companionship and society, inconvenience, loss of enjoyment of life, loss of reputation, or other nonpecuniary losses of any kind other than exemplary or punitive damages.’’

SA 417. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RECIPROCAL MARKETING APPROVAL FOR CERTAIN DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 524A of such Act (21 U.S.C. 360m-1) the following:

‘‘SEC. 524B. RECIPROCAL MARKETING APPROVAL—

(a) IN GENERAL.—A covered product with reciprocal marketing approval in effect under this subsection is deemed to be subject to an application or premarket notification for which an approval or clearance is in effect under section 505(c), 510(k), or 515 of this Act or section 351(a) of the Public Health Service Act, as applicable.

(b) ELIGIBILITY.—The Secretary shall, with respect to a covered product, grant reciprocal marketing approval if—

(1) the covered product submits a request for reciprocal marketing approval; and

(2) the request demonstrates to the Secretary satisfaction that—

(A) the covered product is authorized to be lawfully marketed in one or more of the countries included in the list under section 802(b)(1);

(B) absent reciprocal marketing approval, the covered product is not approved or cleared for marketing, as described in subsection (a);

(C) the Secretary has not, because of any concern relating to the safety or effectiveness of the covered product, rescinded or withdrawn any such approval or clearance;

(D) the authorization to market the covered product in one or more of the countries included in the list under section 802(b)(1) has not, because of any concern relating to the safety or effectiveness of the covered product, been rescinded or withdrawn;

(E) the product is not a banned device under section (f); and

(F) there is a public health or unmet medical need for the covered product in the United States.

(c) SAFETY AND EFFECTIVENESS.—

(1) IN GENERAL.—The Secretary—

(A) may decline to grant reciprocal marketing approval under this section with respect to a covered product if the Secretary affirmatively determines that the covered product—

(i) is a drug that is not safe and effective; or

(ii) is a device for which there is no reasonable assurance of safety and effectiveness; and

(B) may condition reciprocal marketing approval under this section on the conduct of specified postmarket studies, which may include such studies pursuant to a risk evaluation and mitigation strategy under section 505-1.

(2) REPORT TO CONGRESS.—Upon declining to grant reciprocal marketing approval under this section with respect to a covered product, the Secretary shall—

(A) include the denial in a list of such denials for each month; and

(B) not later than the end of the respective month, submit the list to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

(d) REQUEST.—A request for reciprocal marketing approval shall—

(1) be in such form, be submitted in such manner, and contain such information as the Secretary deems necessary to determine whether the criteria listed in subsection (b)(2) are met; and

(2) include, with respect to each country included in the list under section 802(b)(1) where the covered product is authorized to be lawfully marketed, as described in subsection (b)(2)(A), an English translation of the written declaration issued by such country to authorize such marketing.

(e) TIMING.—The Secretary shall issue an order granting, or declining to grant, reciprocal marketing approval with respect to a covered product not later than 30 days after the Secretary’s receipt of a request under subsection (b)(1) for the product. An order issued under this subsection shall take effect subject to Congressional disapproval under subsection (g).

(f) LABELING; DEVICE CLASSIFICATION.—During the 30-day period described in subsection (e), the Secretary and the sponsor of the covered product shall expeditiously negotiate and finalize the form and content of the labeling for a covered product for which reciprocal marketing approval is to be granted; and

(g) CONGRESSIONAL DISAPPROVAL OF FDA ORDERS.—

(1) IN GENERAL.—A decision of the Secretary to decline to grant reciprocal marketing approval under this section shall not take effect if a joint resolution of disapproval of the decision is enacted.

(2) PROCEDURE.—

(A) IN GENERAL.—Subject to subparagraph (B), the procedures described in subsections (b) through (g) of section 802 of title 5, United States Code, shall apply to the consideration of a joint resolution under this subsection.

(B) EXCEPTIONS.—For purposes of this subsection—

(i) the reference to ‘‘section 802(a)(1)’’ in section 802(b)(2)(A) of title 5, United States Code, shall be considered to refer to subsection (c)(2); and

(ii) the reference to ‘‘section 802(a)(1)(A)’’ in section 802(e)(2) of title 5, United States Code, shall be considered to refer to subsection (c)(2).

(3) EFFECT OF CONGRESSIONAL DISAPPROVAL.—Reciprocal marketing approval under this section with respect to the applicable covered product shall take effect upon enactment of a joint resolution of disapproval under this subsection.

APPLICABILITY OF RELEVANT PROVISIONS.—The provisions of this Act shall apply with respect to a covered product for which reciprocal marketing approval is in effect to the same extent and in the same manner as such provisions apply with respect to a product for which approval or clearance of an applicable covered product is in effect.
this Act or section 351(a) of the Public Health Service Act, as applicable. "(j) OUTREACH.—The Secretary shall con- duct an outreach campaign to encourage the enrollment of eligible individuals in such programs so as to ensure that all eligible individuals are informed of their eligibility to participate in such programs, and shall ensure that such programs are available in a manner that is easily accessible to such individuals."

SA 418. Mr. CRUZ (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows: At the appropriate place, insert the following:

**SEC. 2746. HEALTH INSURANCE COVERAGE OFFERED ACROSS STATE LINES.**

Subpart I of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq) is amended by adding at the end the following:

**SEC. 2746. HEALTH INSURANCE COVERAGE OFFERED ACROSS STATE LINES.**

"(a) IN GENERAL.—A health insurance issuer that is licensed in, and qualified to offer health insurance coverage in, a State shall offer such health insurance coverage in a secondary State regardless of whether the issuer is licensed to sell insurance in such secondary State. In offering such health insurance coverage in the secondary State, all laws governing health insurance coverage of the primary State shall apply and the laws governing health insurance coverage of the secondary State shall not apply.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PRIMARY STATE.—The term ‘primary State’ means, with respect to health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this title. The issuer, with respect to a particular policy, may designate a specific State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to health insurance coverage under the policy issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

"(2) SECONDARY STATE.—The term ‘secondary State’ means, with respect to health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

"(3) STATE.—The term ‘State’ means the 50 States and the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

SA 419. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows: In lieu of the matter proposed to be inserted, insert the following:

**1. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.**

(a) **PATIENT PROTECTION AND AFFORDABLE CARE ACT.** On January 1, 2013, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) **HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.** Effective on January 1, 2013, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

SA 420. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows: At the appropriate place, insert the following:

**SEC. 2747. OPTIONAL MEDICAID PRICE TRANSPARENCY.**

(a) **IN GENERAL.**—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as previously amended, is further amended by adding at the end the following new subsection:

"(pp) **OPTIONAL MEDICAID PRICE TRANSPARENCY.**

"(1) **IN GENERAL.**—At the option of a State, the State may require a hospital to establish a system to collect and make publically available a database that contains the average, aggregate value of the total cost for such medical procedures as the State may specify that are incurred at the hospital. For purposes of the preceding sentence, the ‘average, aggregate value of the total cost of a procedure’ shall not include a patient’s expected cost-sharing contribution for the procedure.

"(2) **HIPAA PROTECTION.**—A State establishing a database under this subsection shall establish procedures to protect the privacy of patients in accordance with regulations promulgated by the Secretary under section 1871(g)(1) of the Health Insurance Portability and Accountability Act of 1996.

"(b) **INCREASE IN MATCHING RATE FOR IMPLEMENTATION.**—Section 1903 of the Social Security Act (42 U.S.C. 1396a), as previously amended, is further amended by adding at the end the following new subsection:

"(pp) **INCREASE IN MATCHING RATE FOR IMPLEMENTATION.**

"(1) **IN GENERAL.**—Beginning on page 686, line 7, strike ‘or’ and all that follows through page 687, line 2, and insert the following:

"(B) **increase in matching rate for implementation.**—Section 1903 of the Social Security Act (42 U.S.C. 1396a) has previously been amended, is further amended by adding at the end the following:

"(bb) The Federal matching percentage otherwise applicable under subsection (a) with respect to State administrative expenditures for each fiscal year, and for other purposes, shall be increased by 5 percentage points with respect to State expenditures attributable to activities carried out by the Secretary (and approved by the Secretary) to implement subsection (pp) of section 1902.

SA 421. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows: At the appropriate place, insert the following:

**SEC. 2748. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIAN MARKET THE OPTION TO PURCHASE ONE OF THE PREMIUM CATASROPHIC PLANS.**

(a) **IN GENERAL.**—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

"(4) **CONSUMER FREEDOM.—For plan years beginning on or after January 1, 2018, para- graph (1) shall not apply with respect to any plan offered in the State.’’

(b) **RISK POOLS.**—Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(c)) is amended—

(1) in paragraph (1), by inserting ‘‘and including, with respect to plan years beginning on or after January 1, 2018, paragraphs (1) and (4) of section 1302(e) of such Act’’; and

(2) in paragraph (2), by inserting ‘‘and including, with respect to plan years beginning on or after January 1, 2018, paragraphs (1) and (4) of section 1302(e) of such Act’’ after ‘‘Exchange’’.

(c) **ALLOWANCE OF PREMIUM TAX CREDIT FOR CATASROPHIC PLANS.**—

(1) **IN GENERAL.**—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ‘‘or’’ and all that follows through page 687, line 2, and insert the following:

"(B) **in accordance with the Quality Standards promulgated by the Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Inspector General waives the applicability of paragraph (1) to a catastrophic plan described in paragraph (2) such plan shall include a qualified health plan that is a catastrophic plan described in paragraph (2) of such Act’’.

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

SA 422. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: Before section 1302(e), insert the following:

"(a) **DEFINITIONS.—For purposes of this Act or section 351(a) of the Public Health Service Act, as applicable.**

"(1) **Covered Product.**—The term ‘covered product’ means a drug, biological product, or device.

SA 423. Mr. NELSON submitted an amendment intended to be proposed by
him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 737. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.**

(a) STUDY.—The Secretary of Defense shall conduct a study on the effectiveness of the training and healthcare policy changes of the Department of Defense regarding opioid prescribing practices, initiatives in opioid safety, the use of the VA/DOD Clinical Practice Guidelines for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Identifying and treating individuals with chronic pain;

(2) Prescribing opioid analgesics, including—

(A) reducing average dosages;

(B) reducing average number of dosages; and

(C) reducing initial and average durations of opioid analgesic therapy;

(3) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(4) Developing validated opioid dependence screening tools for health care providers of the Department.

(5) Communicating to health care providers of the Department changes in policies of the Department regarding opioid safety and prescribing practices.

(6) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed and to their families, with special consideration given to raising awareness among adolescents on such risks.

(7) Providing counseling and referrals for, and expanding access to, treatment alternatives for opioid addiction.

(8) Developing and implementing a physician advisory committee of the Department relating to education programs for prescribers of opioid analogesics.

(9) Developing methods to incentivize health care providers of the Department to use physical therapy or alternative methods of treating pain.

(10) Developing curricula on pain management and safe opioid analgesic prescribing that incorporates opioid analgesic prescribing guidelines issued by the Centers for Disease Control and Prevention.

(c) BRIEFING.—Not later than 100 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the study conducted under subsection (a).

SA 424. Mr. NELSON (for himself and Mr. BLUMENTHAL) submitted an amendment to title X, which was proposed by the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 710. ELIGIBILITY FOR TRICARE FOR VETERANS ENTITLED TO MEDICARE BENEFITS DUE TO CONDITIONS OR INJURIES INCURRED DURING SERVICING IN THE ARMED FORCES.**

(a) TRICARE.—

(1) IN GENERAL.—The Secretary of Defense shall address the effectiveness of training and expanding access to, treatment alternatives for, and raising awareness among adolescents on such alternatives for, prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training and other related training.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to individuals described in section 1086(d) of title 10, United States Code, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 757. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.**

(a) STUDY.—The Secretary of Defense shall conduct a study on the effectiveness of the training and healthcare policy changes of the Department of Defense regarding opioid prescribing practices, initiatives in opioid safety, the use of the VA/DOD Clinical Practice Guidelines for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Identifying and treating individuals with chronic pain;

(2) Prescribing opioid analgesics, including—

(A) reducing average dosages;

(B) reducing average number of dosages; and

(C) reducing initial and average durations of opioid analgesic therapy;

(3) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(4) Developing validated opioid dependence screening tools for health care providers of the Department.

(5) Communicating to health care providers of the Department changes in policies of the Department regarding opioid safety and prescribing practices.

(6) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed and to their families, with special consideration given to raising awareness among adolescents on such risks.

(7) Providing counseling and referrals for, and expanding access to, treatment alternatives for opioid addiction.

(8) Developing and implementing a physician advisory committee of the Department relating to education programs for prescribers of opioid analogesics.

(9) Developing methods to incentivize health care providers of the Department to use physical therapy or alternative methods of treating pain.

(10) Developing curricula on pain management and safe opioid analgesic prescribing that incorporates opioid analgesic prescribing guidelines issued by the Centers for Disease Control and Prevention.

(c) BRIEFING.—Not later than 100 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the study conducted under subsection (a).
SA 425. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. 1087. REPEAL OF REQUIREMENT OF RE-PEAL OF REQUIREMENT OF RE-DUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DE-PENDING AND INDEMNITY COM-PESSION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c); and

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) CONFORMING AMENDMENTS.—Such sub- chapter is further amended as follows:

(A) In section 1450—

(b) by striking subsection (e); and

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking sub- paragraph (2) and inserting—

(2) IN GENERAL.—In the case of a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f), such eligibility shall be restored whether or not pay- ment to such child or children subsequently was terminated due to loss of dependent sta- tatus of the surviving spouse who was previously eligible for payment of such annuity and is not remarried, or remar- ried after the date on which there has been a second or subsequent marriage that has been ter- minated by death, divorce or annulment.

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting—''does not apply in the case of a deduc- tion made through administrative error;'' and

(ii) by striking subsection (g).

(ii) in section 1453(c), by striking —

(2) PROVISIONS RELATING TO CURRENT ANNU-ITIES .

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) by striking subsection (a) and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1), and inserting the Secretary concerned;'' and

(B) by striking subparagraph (B).''

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to an annuity commencing on or after the ef- fective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNU-ITIES. —

(a) IN GENERAL.—Any individual who is enti- tled to an annuity for the month in which this section becomes effective may, upon submitting an application to the Office of Personnel Management, elect to receive, for a period not exceed- ing 2 years after the effective date of this section, the amount of that annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which that annuity is or may be based.

(b) RECOMPUTATION.—Any recomputation made under subparagraph (A) shall be effec- tive as of the commencement date of the an- nuity, and any additional amounts becoming payable for periods before the date on which the recomputation is reflected in the regular monthly annuity payments of an in- dividual shall be payable to the individual in the form of a lump-sum payment.

(c) PROVISIONS RELATING TO INDIVIDUALS EL-IGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—Any individual not de- scribed in paragraph (2) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect, throughout all periods of service on the basis of which that annuity is or would be based, by submitting an application to the Office of Personnel Management not later than 2 years after—

(i) the effective date of this section; or

(ii) if later, the date on which the individ- ual separates from service.

(B) COMMENCEMENT DATE, ETC.—

(1) IN GENERAL.—Any entitlement to an an- nuity, or to an increased annuity resulting from an application under subparagraph (A), for an individual shall be effec- tive as of the commencement date of that annuity (subject to clause (ii), if applicable), and any amounts becomingpayable for peri- ods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by the section shall be payable to the indi- vidual in the form of a lump-sum payment.

(ii) RETROACTIVATION.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for enti- tlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section), shall be made as if an application for that annuity had been submitted as of the earliest date that would have been allowable, after the separation of the individual from service, if the amendments made by this section had been in effect throughout all periods of service described in subparagraph (A).

(3) RIGHT TO FILE ON BEHALF OF A DE-CEASED PERSON.—

(A) IN GENERAL.—The regulations under subsection (d)(1) shall include provisions, consistent with the order of precedence set
forth in section 8322(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8322(b)(18) of that title (as added by subsection (a) of this section) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2) or (3) of this subsection.

(B) DEADLINE.—An application described in subparagraph (A) shall not be valid unless the application is filed within 2 years after the effective date of this section or 1 year after the date on which the decedent dies, whichever is later.

(c) FUNDING.—(1) LUMP-SUM PAYMENTS.—Any lump-sum payment under subsection (b) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8346 of title 5, United States Code.

(d) REGULATIONS AND SPECIAL RULE.—(1) REGULATIONS.—(A) IN GENERAL.—Except as provided in paragraph (2), the Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this section.

(2) SPECIAL RULE.—For the purposes of any application for any benefit that is computed or recomputed taking into account any service described in section 8322(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that title shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that was subject to title II of the Social Security Act (42 U.S.C. 401 et seq.).

(B) CONTENTS.—The regulations prescribed under subparagraph (A) shall include provisions under which rules similar to those established under section 201 of the Federal Employees’ Retirement System Act of 1966 (Public Law 99–335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that was subject to title II of the Social Security Act (42 U.S.C. 401 et seq.).

(3) EFFECTIVE DATE.—This section shall take effect on the date of the “other event” which gives rise to title to the benefit to refer to the event that is later than the date of the event that would otherwise apply.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is the first day of the first fiscal year beginning after the date of enactment of this Act.

(f) DEFINITIONS.—In this section—

(1) the term “annuity” includes a survivor annuity; and

(2) the terms “survivor” and “unfunded liability” have the meanings given those terms in section 8331 of title 5, United States Code.

SEC. 457. MR. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to the bill H.R. 3850, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 430. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 458. MR. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to the bill H.R. 3850, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
forced to reduce wages by more than the amount of the penalty payments.

(6) CBO estimates that the penalty represents a 7 percent increase in the tax rate of employers that are subject to the employer mandate penalty.

(7) In addition, Obamacare’s employer mandate requires that all businesses with at least 50 full-time workers with health insurance coverage that satisfies the law’s requirements. Employers who fail to offer coverage that satisfies the employer mandate are subject to the penalties.

(8) In 2015, CBO found that defining full-time employment as a 40-hour week rather than a 30-hour week would allocate $45,000,000,000 in tax penalties on employers over the following decade.

(9) The employer mandate penalty creates incentives for businesses to reduce their hiring or shift their workforce toward part-time jobs.

(10) These stark realities are playing out all across the country, as businesses struggle well into year 2 of mandatory compliance with this onerous mandate and its negative effect on jobs.

(11) **SENATE OF THE UNITED STATES.—It is the sense of the Senate that the committee of jurisdiction of the Senate should review—**

(12) The economic impact that Obamacare’s employer mandate has on full-time employment as a 30-hour work week had had on businesses, employee wages, and the job market as a whole; and

(13) The effect on the job market, if Congress were to enact policy to restore the 40-hour work week definition, and eliminate the current 30-hour definition that is purely arbitrary, unduly burdens business, and harms the ability of small businesses to operate and create jobs.

**SA 431. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

SEC. 2. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—It is the sense of the Senate that—

(1) Since January 1, 2013, medical device manufacturers have struggled under a 2.3 percent excise tax imposed by Obamacare on the sale of certain medical devices. The misguided purpose of that tax was to operate like an excise tax by raising revenue at the point of sale to offset the cost of Obamacare’s insurance and Medicaid expansions by taxing companies who help patients get access to life-saving medical technologies.

(2) The tax was in effect from 2010 through 2015, but the Consolidated Appropriations Act, 2016 (Public Law 114–113) temporarily suspended the tax for 2016 and 2017. The tax is now set to resume in 2018.

(3) Initially expected to produce $3,200,000,000, supporters of the device tax argue that it would be similar to the windfall profits tax from the 1980s, and recapture the excess gains that medical device manufacturers are expected to receive from the Patient Protection and Affordable Care Act.

(4) Taxable medical devices are defined by law as any device “intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in man or other animals . . . or intended to affect the structure or func-

**tinction of the body of man.” Based on this definition, the tax would be levied on critical devices such as pacemakers and defibrillators.

(5) Since its enactment, the medical device tax has been a major economic innovation and contributed to the loss or deferred creation of jobs, reduced research and development, and slowed capital expansion. What is even more troubling is that this tax was imposed without any real policy justification, as the tax is not grounded in any health care policy. As it stands under current law, it is individual health insurance coverage under Obamacare – it was designed purely as a means of raising revenue from the industry to offset the budgetary impacts of the Patient Protection and Affordable Care Act.

(6) At its most basic level, this tax violates commonly accepted principles of sound tax policy. In a 2015 report, the Congressional Research Service paid close attention to excise taxes in particular, stating that, “Viewed from the perspective of traditional economic and tax theory, the tax is challenging to justify. In general, tax policy is considered more efficient when differential excise taxes are not imposed. It is generally more efficient to raise revenue from a broad tax base.”

(7) The effects of the tax are felt across the industry, as every dollar of revenue (not income) generated from the tax is generally subject to the tax. For larger, established companies, the device tax represents millions in financial capital that could be used to expand research and create jobs. For smaller, start-up firms, the effect is much worse – not only does it deter company growth, since the tax is imposed on the first dollar of revenue, it also restricts the ability of established medical technology companies to invest in or acquire start-up companies by limiting the amount of available capital for future projects.

(8) Individual companies are already making important planning decisions for the next fiscal year. Companies are already making significant commitments of time and resources to ensure that they can continue to develop technology to improve patient health and outcomes.

(9) Permanently repealing the device tax will provide medical technology innovators with the long-term certainty necessary to support future job growth and sustainable, research and development that will ultimately lead to the next generation of breakthroughs in patient care and treatment. With any other policy outcome, effective planning for a sustainable future becomes much more difficult.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the committee of jurisdiction in the Senate should conduct a full review and assessment of the economic impact of the medical device tax since its inception under the Patient Protection and Affordable Care Act. Such review and assessment should include an analysis of the tax on job creation, capital formation, research and development, and medical technology innovation.

**SA 432. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 2810, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:**

At the appropriate place, insert the following:

SEC. 3. REPEAL OF HEALTH CARE REFORM PROVISIONS LIMITING MEDICAL DEVICE EXEMPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS.

Section 6001 and 10601 of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 684, 1005) and section 1106 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 124 Stat. 1049) are repealed and the provisions of law amended by such sections are restored as if such sections had never been enacted.

**SA 433. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle A of title VI, add the following:

**SEC. 5. REPEAL OF AUTHORITY OF THE PRESIDENT TO DETERMINE AN ALTERNATIVE LIMITATION ON NATIONAL SECURITY PERSONNEL STRENGTHS FOR MEMBERS OF THE UNIFORMED SERVICES BASED ON SERIOUS ECONOMIC CONDITIONS.**

Section 1009(e) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “or serious economic conditions affecting the general welfare”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

**SA 434. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle D of title IX, add the following:

**SEC. 952. REQUIREMENT FOR NATIONAL SECURITY PERSONNEL STRENGTHS FOR MILITARY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Subsection (a)(1) of 813 of the National Security Personnel Protection Act of 1991 (50 U.S.C. 1913) is amended by striking “shall establish and maintain” and inserting “shall establish and maintain”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such amendment is amended by striking “If the Secretary to determine an alternative limitation on national security personnel strengths for members of the uniformed services due to serious economic conditions affecting the general welfare” and inserting “The Secretary”.

**SA 435. Mr. ROUNDs submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:**

At the end of subtitle A of title VI, add the following:

SEC. 3. REPEAL OF HEALTH CARE REFORM PROVISIONS LIMITING MEDICAL DEVICE EXEMPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS.
SEC. ... REPORT ON PROGRESS MADE IN IMPLEMENTING THE CYBER EXCEPTED PERSONNEL SYSTEM.

Section 1599(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) An assessment of the progress made in implementing the Cyber Excepted Personnel System.".

SA 436. Mr. ROUNDS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military construction, military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 338. COMPREHENSIVE PLAN FOR SHARING DEPOT-LEVEL MAINTENANCE BEST PRACTICES.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the sharing of best practices for depot-level maintenance among the military services.

(b) Elements.—The comprehensive plan required under subsection (a) shall cover the sharing of best practices with regard to—

(1) programing and scheduling;
(2) core capability requirements;
(3) workload;
(4) personnel management, development, and support;
(5) induction, duration, efficiency, and completion metrics;
(6) parts, supply, tool, and equipment management;
(7) capital investment and manufacturing and production capability; and
(8) inspection and quality control.

SA 437. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military construction, military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

(5) individual and organization rewards; and
(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

SA 438. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 383. INCLUSION OF SPECIFIC ELECTRONIC MAIL ADDRESS BLOCK ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

(a) Modification Required.—The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a specific electronic mail address block explicitly identified as the location in which a member of the Armed Forces may provide one or more electronic mail addresses by which contact may be made after discharge or release from active duty in the Armed Forces.

(b) Voluntary Provision of Addresses.—The provision of one or more electronic mail addresses by a member in a Certificate of Release or Discharge from Active Duty, as modified by subsection (a), shall be voluntary and entirely at the election of the member.

(c) Deadline for Modification.—The Secretary shall, in consultation with the Director of National Intelligence, submit to Congress a report setting forth the following:

(1) An assessment by the Secretary of Defense of the number of individuals in the Armed Forces who have one or more electronic mail addresses and the reasons for the absence of such addresses.

SA 439. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. ... REPORT ON AIR-TO-GROUND MUNITIONS FUNDED BY THE UNITED STATES TO SAUDI ARABIA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) An assessment by the Secretary of the number of munitions sold or otherwise supplied by the United States to the Government of Saudi Arabia.

SA 440. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

On page 8, strike line 11 and insert the following:

"(C) No Annual or Lifespan Caps.—Para- graph (3) of section 36B(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(C) NO ANNUAL OR LIFETIME CAPS.—Such term shall not include a qualified health plan which has an annual or lifetime cap on benefits, or any plan which does not cover all necessary treatment for a condition until cured (including rehabilitation or reconstruction procedures)."

(3) Effective Date.—The amendments made

SA 441. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... NO DISENROLLMENT OF CHILDREN FROM MEDICAID WITHOUT PROOF OF ALTERNATIVE INSURANCE COVERAGE.

Beginning with the date of enactment of this Act, any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

SA 442. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... REQUIRING MEDICAID COVERAGE FOR CERTAIN ADULTS WITH HIGH INSURANCE COSTS.

(a) In General.—Beginning with the date of enactment of this Act, each State shall provide medical assistance through the State Medicaid program to any individual residing in the State who is neither a Medicaid nor Medicare recipient, is below 65 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income.

(b) Enhanced FMAP.—The Federal medical assistance percentage applicable to medical assistance provided by a State under the State Medicaid program to individuals described in subsection (a) shall be equal to 100 percent.

SA 443. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... REQUIRING MEDICAID COVERAGE FOR CERTAIN ADULTS WITH HIGH INSURANCE COSTS.

Beginning with the date of enactment of this Act, each State shall provide medical
assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual’s income.

SA 444. Ms. HIRONO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. POINT OF ORDER AGAINST LEGISLATION THAT WOULD PRIVILEGE MEDICARE CARE OR LIMIT FEDERAL FUNDING OF MEDICAID.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would:

(1) increase the eligibility age under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1396 et seq.), or alter such funding available to States to elect to provide medical assistance to low-income, non-elderly individuals under the eligibility provisions of, or alter such funding of such programs in such a manner that would decrease the amount of Federal funding available to States to elect to provide medical assistance to such individuals.

(2) privatize the Medicare program or turn the program into a voucher system.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 445. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PREVENTING REDUCTIONS IN HEALTH COVERAGE, INCREASED OUT-OF-POCKET COSTS, AND INCREASED TAXES FOR INDIVIDUALS IN THE STATE OF HAWAII.

If, within 30 days of the date of the enactment of this Act, the Governor of Hawaii provides a certification to the Secretary of Health and Human Services and the Secretary of Treasury that provisions of, or amendments made by, this Act will result in reductions in health coverage, increased out-of-pocket costs, or increased taxes for individuals in Hawaii, such provisions and amendments of the date of such certification, not apply to Hawaii (including residents of Hawaii).

SA 446. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 33, insert the following after line 11:

“(D) SAFETY NET CARE PROVIDERS.—Payments made for services provided by rural health clinics described in clause (B) of section 1905(a)(2), Federally-qualified health centers as described in clause (C) of section 1905(a)(2), or under the terms specified in section 1902(bb), and certified community behavioral health clinics as described in Section 223 of the Protecting Access to Medicare Act.

SA 447. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 111 through 121.

SA 448. Mr. TESTER (for himself, Mrs. McCASKILL, Mr. FRANKEN, Mrs. MURRAY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2310, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE.—SERVICEMEMBERS AND VETERANS EMPOWERMENT AND SUPPORT

SEC. __. SHORT TITLE.

This title may be cited as the “servicemembers and Veterans Empowerment and Support Act of 2017.”

SEC. __. EXPANSION OF COVERAGE BY THE DEPARTMENT OF VETERANS AFFAIRS FOR CYBER HARASSMENT AND TREATMENT FOR SEXUAL TRAUMA.

(a) COVERAGE OF CYBER HARASSMENT OF A SEXUAL NATURE.—Paragraph (1) of section 1154(a)(2) of title 38, United States Code, is amended by inserting “cyber harassment of a sexual nature,” after “battery of a sexual nature,”

(b) EXPANSION OF AVAILABILITY FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2A) of such section is amended—

(1) by striking “on active duty”; and

(2) by inserting “that was suffered by the member while serving on active duty, active duty for training, or inactive duty training” before the period at the end.

SEC. __. STATEMENT OF PURPOSE FOR SERVICE-CONNECTION OF MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

(a) STANDARD OF PROOF.—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) In the case of any veteran who claims that a covered mental health condition was incurred or aggravated by military sexual trauma, the Secretary shall accept as sufficient proof of service-connection a diagnosis of such mental health condition by a mental health professional together with satisfactory lay or other evidence of such trauma and an opinion by the mental health professional that such covered mental health condition is related to such military sexual trauma, if consistent with the facts of service, notwithstanding the fact that the diagnosis of the mental health condition is based on the veteran’s own account of such occurrence or aggravation in service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

(b) USE OF EVIDENCE IN EVALUATING DISABILITY CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.

(1) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, is amended by inserting the following new section:

“§ 1154. Evaluation of claims involving military sexual trauma

“(a) NONMILITARY SOURCES OF EVIDENCE.—(1) In carrying out section 1154(c) of this title, the Secretary shall ensure that if a claim for compensation under this chapter is received by the Secretary for post-traumatic stress disorder based on a physical assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment experienced by a veteran during active military, naval, or air service, evidence from sources other than official records of the Department of Defense regarding the veteran’s service may corroborate the veteran’s account of the assault, battery, or harassment.

(2) Use of evidence described in paragraph (1) include the following:

“(A) Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals, and physicians.

“(B) Pregnancy tests and tests for sexually transmitted diseases.

“(C) Statements from family members, roommates, other members of the Armed Forces or veterans, and clergy.

“(D) Behavior changes corroborating evidence.—(1) In carrying out section 1154(c) of this title, the Secretary shall ensure that evidence of a behavior change following an assault, battery, or harassment described in subsection (a)(1) is one type of relevant evidence that may be found in sources described in such subsection.

“(2) Examples of behavior changes that may be relevant evidence of an assault, battery, or harassment described in subsection (a)(1) include the following:

“(A) A request for transfer to another military duty assignment.

“(B) Deterioration in work performance.

“(C) Substance abuse.

“(D) Episodes of depression, panic attacks, or anxiety without an identifiable cause.

“(E) Unexplained economic or social behavior changes.

“§ 1154. To Supply Evidence.—The Secretary may not deny a claim of a veteran for compensation under
this chapter for a post-traumatic stress disorder that is based on an assault, battery, or harassment described in subsection (a)(1) without first—

"(1) advise the veteran that evidence described in subsections (a) and (b) may constitute credible corroborative evidence of the assault, battery, or harassment; and

"(2) allow the veteran an opportunity to furnish such corroborating evidence or advise the Secretary of potential sources of such evidence.

"(d) REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in subsection (a)(1), for any evidence received with such claim and described in subsection (a) or (b), the Secretary may submit such evidence to such medical or mental health professional as the Secretary considers appropriate.

"(e) POINT OF CONTACT.—The Secretary shall ensure that each document provided to a veteran relating to a claim for compensation described in subsection (a)(1) includes contact information for an appropriate point of contact.

"(2) C LERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1164. Evaluation of claims involving military sexual trauma.

"(c) ANNUAL REPORTS.—

"(1) In GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, as amended by subsection (b), is further amended by adding at the end the following new section:

"§ 1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma

"(a) REPORTS.—Not later than March 1, 2018, and not less frequently than once each year thereafter through 2027, the Secretary shall submit to Congress a report on covered claims submitted during the previous fiscal year to identify and track the consistency of decisions across regional offices.

"(b) ELEMENTS.—Each report under subsection (a) shall include the following:

"(1) The number and percentage of such claims—

"(A) submitted by each sex;

"(B) that were approved, including the number and percentage of such approved claims submitted by each sex; and

"(C) that were denied, including the number and percentage of such denied claims submitted by each sex.

"(2) Of the covered claims listed under paragraph (1), the number and percentage of such approved claims submitted to or considered by the Secretary during the fiscal year covered by the report.

"(3) Of the covered claims listed under paragraph (1), the number and percentage of such approved claims submitted by each sex.

"(4) Of the covered claims listed under paragraph (1) that were approved, the number and percentage, disaggregated by sex, of claims rated at the highest rating percent.

"(5) Of the covered claims listed under paragraph (1) that were denied—

"(A) the three most common reasons given by the Secretary under section 510(b)(1) of this title for such denials; and

"(B) the number of denials that were based on the failure of a veteran to report for a medical examination unless the Secretary provides to employees of the Veteran Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.

"(c) DEFINITIONS.—In this section:

"(1) The term 'covered claims' means claims for disability compensation submitted to the Secretary based on a covered military sexual trauma (as defined in section 1164(c)(3) of this title).

"(2) The term 'covered military sexual trauma' means a military sexual trauma have the meanings given in section 1154(c)(3) of this title.

"(3) The term 'covered military sexual trauma' has the meaning given in section 1154(c)(3) of this title.

"(d) EFFECTIVE DATE.—Subsection (c) of section 1154 of title 38, United States Code, as added by subsection (a), shall apply with respect to any claim for disability compensation under laws administered by the Secretary of Veterans Affairs for which no final decision has been made before the date of the enactment of this Act.

"SEC. 17. INFORMATION FOR MEMBERS OF THE ARMED FORCES REGARDING AVAILABILITY OF SERVICES AT VET CENTERS.

"(a) In GENERAL.—The Secretary of Defense shall include in the instruction issued to commanders of the Armed Forces, using mechanisms available to the Secretary, the eligibility of such members for services at Vet Centers.

"(b) INFORMATION FROM SEXUAL ASSAULT RESPONSE COORDINATORS.—The Secretary shall ensure that Sexual Assault Response Coordinators of the Department of Defense advise members of the Armed Forces who report instances of military sexual trauma regarding the eligibility of such members for services at Vet Centers.

"(c) DEFINITIONS.—In this section:

"(1) MILITARY SEXUAL TRAUMA.—The term "military sexual trauma" means psychological trauma described in section 1712a(b) of title 38, United States Code.

"(2) VET CENTER.—The term "Vet Center" has the meaning given in section 1712a(h) of such title.

"SEC. 18. REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in section 1154 of this title for such denials; and

"(c) P ATTERN OR PRACTICE CASES.—Such decisions for which no final decision has been made before the date of the enactment of this Act.

"(b) ATTORNEY GENERAL NOTICE TO SERVICEMEMBER.—The term "covered claims" means claims for disability compensation submitted to the Secretary.

"(c) PATTERN OR PRACTICE CASES.—Such decisions for which no final decision has been made before the date of the enactment of this Act.

"(a) INITIATION OF ACTIONS.—Paraphrase (1) of section 4253 of title 38, United States Code, is amended by striking the third sentence and inserting the following, being a restatement of the fourth sentence:

"(d) REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in section 1154 of this title for such denials; and

"(e) POINT OF CONTACT.—The Secretary shall ensure that each document provided to a veteran relating to a claim for compensation described in subsection (a)(1) includes contact information for an appropriate point of contact.

"(2) C LERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended to read as follows:

"1154. Evaluation of claims involving military sexual trauma.

"1164. Evaluation of claims involving military sexual trauma.

"1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma.

"1172. Review of evidence.

"SEC. 19. ACTION FOR RELIEF IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—

"(a) INITIATION OF ACTIONS.—Paraphrase (1) of section 4253 of title 38, United States Code, is amended by striking the third sentence and inserting the following, being a restatement of the fourth sentence:

"(d) REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in section 1154 of this title for such denials; and

"(e) POINT OF CONTACT.—The Secretary shall ensure that each document provided to a veteran relating to a claim for compensation described in subsection (a)(1) includes contact information for an appropriate point of contact.
to the full enjoyment of any of the rights or benefits secured by this chapter, the Attorney General may commence an action under this chapter.”.

d) ACTIONS BY PRIVATE PERSONS.—Subparagraph (c) of paragraph (4) of such subsection, as redesignated by paragraph (3)(A), is amended by striking “refused” and all that follows and inserting “notified by the Attorney General that the Attorney General does not intend to bring a civil action.”.

e) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking “subsection (a)(2)” and inserting “subsection (a)(2) or subsection (a)(3)”.

SEC. 1702. WAIVER OF SOVEREIGN IMMUNITY FOR ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 3233(b) of title 38, United States Code, is amended to read as follows:

“(2)(A) In the case of an action against a State (as an employer), any instrumentality of a State, or officer or employee of a State or instrumentality of a State acting in that officer or employee’s official capacity, by any person, the action may be brought in the appropriate court of the United States or in a State court of competent jurisdiction, and the State, instrumentality of the State, or officer or employee of the State or instrumentality acting in that officer or employee’s official capacity shall not be immune under the Eleventh Amendment of the Constitution, or under any other doctrine of sovereign immunity, from such action.

“(B)(i) No State, instrumentality of such State, or officer or employee of such State or instrumentality of such State, acting in that officer or employee’s official capacity, that receives or uses Federal financial assistance, that receives or uses Federal financial assistance for a program or activity shall be immune, under the Eleventh Amendment of the Constitution or under any other doctrine of sovereign immunity, from suit in Federal or State court by any person for any violation under this chapter related to such program or activity.

“(ii) In an action against a State brought pursuant to subsection (a), a court may award the remedies (including remedies both at law and in equity) that are available under subsections (d) and (e).”.

(b) MODIFICATION OF PURPOSE.—Section 4313(a)(3) of title 38, United States Code, is amended in the matter before paragraph (1), by striking “The” and inserting “Pursuant to the power of Congress to enact this chapter under section 8 of article I of the Constitution of the United States, the”.

SEC. 1703. VENUE FOR CASES AGAINST PRIVATE EMPLOYERS FOR VIOLATIONS OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

Section 4323(c)(2) of title 38, United States Code, is amended by striking “United States district court for any district in which the private employer of the person maintains a place of business.” and inserting “United States district court for—

“(A) any district in which the employer maintains a place of business;

“(B) any district in which a substantial part of the events or omissions giving rise to the claim occurred; and

“(C) if there is no district in which an action may otherwise be brought as provided in subparagraph (A) or (B), any district in which the action is subject to the court’s personal jurisdiction with respect to such action.”.

SEC. 1704. STANDING IN CASES INVOLVING VIOLATIONS OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES BY STATES AND PRIVATE EMPLOYERS.

Section 3233(f) of title 38, United States Code, is amended—

(1) by inserting “by the United States or” after “may be initiated only”; and

(2) by striking “or by the United States” under subsection (a)(1).

SEC. 1705. CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 3234 of title 38, United States Code, is amended—

(1) by redesigning subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) INSURANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.—

(1) Whenever the Attorney General has reason to believe that any person may be in possession of documentary material relevant to an investigation under this chapter, the Attorney General may, before commencing a civil action under this chapter, issue a civil investigative demand requiring—

(A) the production of such documentary material for inspection and copying;

(B) that the custodian of such documentary material answer in writing questions with respect to such documentary material;

(C) the production of any combination of such documentary material or answers.

(2) The provisions governing the authority to issue, use, and enforce civil investigative demands under section 3733 of title 31 (known as the ‘False Claims Act’) shall govern the authority to issue, use, and enforce civil investigative demands under paragraph (1), except that for purposes of that paragraph—

(A) a reference in that section to false claims law investigators or investigations shall be applied as referring to investigators or investigations under this chapter;

(B) a reference to interrogatories shall be applied as referring to written questions, and answers to such questions with respect to documentary material for inspection and copying;

(C) the statutory definitions for purposes of that section relating to ‘false claims law’ shall not apply; and

(D) provisions of that section relating to qui tam relators shall not apply.”.

SEC. 1706. TREATMENT OF DISABILITY DISCOVERED AFTER EMPLOYEE ENTITLED TO REEMPLOYMENT BY REASON OF UNIFORMED SERVICE STATUS REMOVED EMPLOYMENT.

Section 4333(a)(3) of title 38, United States Code, is amended before subparagraph (A), by inserting “including a disability that is brought to the employer’s attention within 5 years after the person resumes employment,” after “during such service.”.

SEC. 1707. BURDEN OF IDENTIFYING PROPER REEMPLOYMENT POSITIONS FOR EMPLOYEES ENTITLED TO REEMPLOYMENT BY REASON OF UNIFORMED SERVICE STATUS.

Section 4333 of title 38, United States Code, is amended by adding at the end the following new subsection (d):

“(d) For purposes of this section, the employer shall have the burden of identifying the appropriate reemployment positions.”.

SEC. 1708. CLARIFICATIONS REGARDING SCOPE OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION REGARDING DEFINITION OF RIGHTS AND BENEFITS.—Section 3402(d) of the United States Code is amended—

(1) by inserting “(A)” before “The term”; and

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

“(B) Any procedural protections or provisions set forth in this chapter shall also be considered a right or benefit subject to the protection of this chapter.

(b) CLARIFICATION REGARDING RELATION TO OTHER LAW AND PLANS FOR AGREEMENTS.—Section 3402 of such title is amended by adding at the end the following new subsection:

“(c)(1) Pursuant to this section and the procedural rights afforded by subsection III of this chapter, any agreement to arbitrate a claim under this chapter is enforceable, unless all parties consent to arbitration after a claim on the specific claim has been filed in court or with the Merit Systems Protection Board and all parties knowingly and voluntarily consent to have that particular claim subjected to arbitration.

(2) Subsection (b) of this section, consent shall not be considered voluntary when a person is required to agree to arbitrate an action, complaint, or claim alleging a violation of this chapter or as a condition of future or continued employment, advancement in employment, or receipt of any right or benefit of employment.

Subtitle B—Civil Relief

SEC. 1711. IMPROVED PROTECTION OF MEMBERS OF UNIFORMED SERVICES AGAINST DEFAULT JUDGMENTS.

(a) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—Paragraph (2) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3901(b)) is amended to read as follows:

“(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—

(A) IN GENERAL.—If in an action covered by this section it appears that the defendant is in military service, the court shall not enter a judgment until after the court appoints an attorney to represent the defendant.

(B) ACTIONS OF ATTORNEY.—

(i) IN GENERAL.—The court appointed attorney shall act only in the best interests of the defendant.

(ii) REQUEST FOR STAY OF PROCEEDINGS.—The court appointed attorney, when appropriate to represent the best interests of the defendant, shall request a stay of proceedings under this Act.

(iii) FAITHFUL PERFORMANCE.—The court appointed attorney shall act with due diligence to locate and contact the defendant.

(C) LOCATION.—(i) IN GENERAL.—The court appointed attorney shall use due diligence to locate and contact the defendant.

(iv) PROVISION OF CONTACT INFORMATION.—The court appointed attorney must provide to the court appointed attorney all contact information it has for the defendant.

(v) REPORT ON EFFORTS TO LOCATE.—A court appointed attorney shall report to the court on all of the attorney’s efforts to make contact.

(vi) IMPLICATIONS OF FAILURE TO LOCATE.—If an attorney appointed under this section to represent a defendant in military service cannot locate the defendant, actions by the defendant in the case shall not be considered to be any defense of the servicemember or otherwise bind the servicemember.
(D) NOTIFICATION AND ASSERTION OF RIGHTS.—

(i) NOTIFICATION OF RIGHTS.—Upon making contact with the defendant, the court-appointed attorney or the defendant shall—

(ii) ASSERTION OF RIGHTS.—Regardless of whether contact is made under clause (i), the court-appointed attorney shall assert such rights against the defendant. If there is an adequate basis in law and fact, the defendant provides informed consent to not assert such rights.

(b) EXPANSION OF AUTHORITY TO COURT FOR PRECEDENT. OR SET ASIDE JUDGMENT.—Paragraph (1) of section 201(g) of the Servicemembers Civil Relief Act (50 U.S.C. 3931(g)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

(A)(i) the servicemember was materially affected by reason of that military service in making a defense to the action; or

(B) an attorney appointed to represent the servicemember failed to adequately represent the best interests of the defendant.

SEC. 1712. AUTHORITY FOR ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. 4041) is amended by adding at the end the following new subsection:

(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

(A) the production of such documentary material for inspection and copying;

(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material;

(C) the production of any combination of such documentary material or answers.

(2) PROCEDURES.—The provisions of section 733(b) of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 733—

(A) references in that section to false claims law investigators or investigations shall be read as references to investigators or investigations;

(B) references in that section to interrogatories shall be read as references to written questions, and answers to such questions need not be under oath;

(C) the statutory definitions relating to ‘false claims law’ shall not apply; and

(D) provisions relating to qui tam relators shall not apply.

(b) RETROACTIVE APPLICABILITY.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. 4041), as amended by subsection (a), shall apply as if such section were included in the enactment of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (54 Stat. 838) and included in the restatement of such Act in Public Law 108-189.

SEC. 1713. ORAL NOTICE SUFFICIENT TO INVOKCE INTEREST RATE CAP.

Paragraphs (1) and (2) of section 207(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3937(b)) are amended to read as follows:

(i) NOTICE TO CREDITOR.—

(A) IN GENERAL.—In order for an obligation of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor oral or written notice of military service and any further extension of military service, not later than 180 days after the date of the servicemember’s termination or release from military service.

(B) An attorney shall retain a record of the servicemember’s oral or written notification.

(ii) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—

(A) SEARCH OF RECORDS.—Upon receipt of oral or written notice of military service, the creditor shall conduct a search of Department of Defense records available through the Department of Defense Manpower Data Center.

(B) MILITARY SERVICE CONFIRMED.—If military service is confirmed by a search under subparagraph (A), the creditor shall treat the debt in accordance with subsection (a).

(C) MILITARY SERVICE NOT CONFIRMED.—If a search of Department of Defense records under subparagraph (A) does not confirm the military service, the creditor shall notify the servicemember and may require the servicemember to provide a copy of the servicemember’s military orders before treating the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

SEC. 1714. HARMONIZATION OF SECTIONS.

(a) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. 3953) is amended—

(i) in subsection (b), in the matter before paragraph (1), by striking “filed” and inserting “pending”;

(ii) in subparagraph (c)(1), by striking “with a return made and approved by the court”;

(iii) by striking “of Sunset” and all that follows through “Subsection (c)” and inserting “of Prior Sunset”;

(iv) by striking “Subsection (c)” and paragraph (3).

(b) TERMINATION OF RESIDENTIAL LEASES.—

(1) TERMINATION OF RESIDENTIAL LEASES.—

(A) IN GENERAL.—In order for an obligation of the defendant to the lessor to terminate the defendant’s grantee or to the lessor’s agent (or the lessee’s agent) to terminate the lessee’s grantee, or for the lessor’s grantee or the lessee’s grantee to terminate the defendant’s or the lessee’s agent (or the lessee’s grantee) to terminate the lessee’s, there must be—

(i) a professional license in good standing in a jurisdiction and such servicemember or spouse has a professional license in good standing in a new jurisdiction that issued the license;

(ii) a professional license in good standing in the jurisdiction of such new jurisdiction for the servicing authority that issued the license; or

(iii) a professional license in good standing in the jurisdiction of such new jurisdiction for the licensing authority that issued the license.

(2) TERMINATION OF RESIDENTIAL LEASES.—

(A) SEARCH OF RECORDS.—

The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

SEC. 1715A. PORTABILITY OF PROFESSIONAL LI-CENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

SEC. 705A. PORTABILITY OF PROFESSIONAL LI-CENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

(1) TERMINATION OF RESIDENTIAL LEASES.—

(A) IN GENERAL.—In order for an obligation of the defendant to the lessor to terminate the defendant’s grantee or to the lessor’s agent (or the lessee’s agent) to terminate the lessee’s, there must be—

(i) a professional license in good standing in a jurisdiction and such servicemember or spouse has a professional license in good standing in a new jurisdiction that issued the license;

(ii) a professional license in good standing in the jurisdiction of such new jurisdiction for the servicing authority that issued the license; or

(iii) a professional license in good standing in the jurisdiction of such new jurisdiction for the licensing authority that issued the license.

(2) TERMINATION OF RESIDENTIAL LEASES.—

(A) SEARCH OF RECORDS.—

The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

SEC. 1715B. PORTABILITY OF PROFESSIONAL LI-CENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

In any case in which a servicemember has a professional license in good standing in a jurisdiction or the spouse of a servicemember has a professional license in good standing in a jurisdiction and such servicemember or spouse relocates his or her residency because of military orders to a location that is not in such jurisdiction, the professional license or certification of such servicemember or spouse shall be considered valid and in good standing in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

(2) remains in good standing with the licensing authority that issued the license; and

(3) submits to the authority of the licensing authority in the new jurisdiction for the purpose of fulfilling the requirements of any continuing education requirements.
(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item: 

"Sec. 705A. Portability of professional licenses for servicemembers and their spouses.".

SA 452. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: 

At the end of subtitle D of title V, insert the following: 

SEC. 135. IN-STATE TUITION RATES FOR CERTAIN MEMBERS OF THE ARMED FORCES IN ACTIVE SERVICE, SPOUSES, AND DEPENDENT CHILDREN. 

(a) IN GENERAL.—Section 135 of the Higher Education Act of 1965 (20 U.S.C. 105a) is amended to read as follows: 

"SEC. 135. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES IN ACTIVE SERVICE, SPOUSES, AND DEPENDENT CHILDREN. 

"(a) REQUIREMENT.—Each State that receives assistance under this Act shall not charge a member of the armed forces (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State, if the member of the armed forces— 

"(1) is serving on active service, as defined in section 101 of title 10, United States Code, and has served on active service for a period of not less than 10 years; and 

"(2) has been stationed in the State— 

"(A) for any of the 3 most recent tours of duty of the member; or 

"(B) for any of the 3 longest tours of duty of the member; or 

"(b) CONTINUATION.—If an individual who is a member of the armed forces, or the spouse or dependent child of such member, pays tuition for attendance at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of such subsection shall continue to apply to such member, spouse, or dependent, with respect to any State for which the member met the requirements of paragraph (a)(2) and without regard to any subsequent change in the permanent duty station or the retirement of the member, while such member, spouse or dependent— 

"(1) is continuously enrolled at such institution; or 

"(2)(A) transfers to another public institution of higher education during the same academic year or the immediately following academic year, if the institution is located in a State where the member has been stationed as described in subsection (a)(2); and 

"(B) is continuously enrolled at such institution; or 

"(c) APPLICABILITY.—This section shall take effect at each public institution of higher education in a State that receives assistance under this Act for each period of enrollment at such institution that begins after July 1, 2018. 

"(d) DEFINITIONS.—In this section— 

"(1) Active service means a period of more than 30 days. —The term ‘active service for a period of more than 30 days’ means active service, as defined in section 101 of title 10, United States Code, under a call or order that does not specify a period of 30 days or less. 

"(2) ARMED FORCES.—The terms ‘armed forces’ has the meaning given the term in section 101 of title 10, United States Code.

"(b) EFFECTIVE DATE.—Subsection (a), and the amendment made by subsection (a), shall take effect on July 1, 2018. 

SA 453. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: 

At the end of subtitle E of title V, add the following: 

SEC. 137. JOINT SERVICES TRANSCRIPTS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE TRANSITION ASSISTANCE PROGRAM. 

(a) PROVISION OF TRANSCRIPTS TO MEMBERS REQUIRED.—Each member of the Armed Forces participating in the Transition Assistance Program (TAP) of the Department of Defense shall be provided a joint services transcript (TSP) in connection with participation in the Program. 

(b) ELEMENTS.—The joint services transcript provided a member pursuant to subsection (a) shall include the following— 

"(1) Military student data of the member, including a description of any military courses taken and learning outcomes and recommended college credit in connection with such courses; 

"(2) Any military occupations or military occupational specialties of the member; 

"(3) The results of any national college-level examinations taken by the member. 

SA 454. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: 

At the appropriate place, insert the following: 

SEC. 138. FINANCING OF EXPORTATION OF DEFENSE ARTICLES AND SERVICES BY EXPORT-IMPORT BANK OF THE UNITED STATES. 

Section 223(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(I)(i)(I)) is amended to read as follows: 

"(I)(aa) the Bank determines that the end use of the defense articles or services includes civilian purposes; or 

"(bb) the President determines that the transaction is in the national security interests of the United States; and".

SA 455. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: 

At the end of division A add the following: 

TITLE XVIII.—DISCHARGE REVIEW MATTERS 

SEC. 1701. CONFIDENTIAL REVIEW OF CHARACTERIZATION TERMS OF DISCHARGE OF MEMBERS WHO ARE SURVIVORS OF SEXUAL ASSAULT. 

(a) CODIFICATION OF CURRENT CONFIDENTIAL PROCESS.— 

(1) CODIFICATION.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1544a a new section 1544b consisting of— 

(A) a heading as follows: 

"1544b. Confidential review of characterization terms of discharge of members of the armed forces who are survivors of sexual assault;" and 


(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1544a the following new item: 

"1544b. Confidential review of characterization terms of discharge of members of the armed forces who are survivors of sexual assault.".

(c) CLARIFICATION OF APPLICABILITY TO INDIVIDUALS WHO ALLEGED THEY WERE A SURVIVOR OF SEXUAL ASSAULT DURING MILITARY SERVICE.—Subsection (a) of such section 1544b is amended by inserting after “sexual assault” the following: 

"; or", and 

"(d) ADDITIONAL REQUIREMENTS FOR CONSIDERATION OF EVIDENCE.—Subsection (b) of such section 1544b, as so added, is amended— 

(1) by striking “and” at the end of paragraph (1); 

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and 

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

"(3) to give liberal consideration to all available evidence that a sexual assault occurred; ".

(e) MEDICAL ADVISORY OPINIONS IN CONNECTION WITH SURVIVORS OF SEXUAL ASSAULT.—Such section 1544b, as so added, is further amended— 

(1) by redesignating subsection (d) as subsection (e); and 

(2) by inserting after subsection (c) the following new subsection: 

"(d) MEDICAL ADVISORY OPINIONS.—Any medical advisory opinion issued to a board
established in accordance with this chapter in the case of a review carried out in accordance with the process established under this section shall include the opinion of a psychi-

cally licensed professional who observes and tests the claimant with training in sexual trauma cases.

(f) Conforming Amendments.—Such section 1554b, as so added, is further amended—

(1) by redesigning subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the fol-

lowing new subsection (i):

“(1) For purposes of this section, there is sufficient basis to conclude that a personnel action prohibited by subsection (b) has oc-


curred if the communication made by the member or former member was a contrib-

uting factor in the personnel action that was taken, or is to be taken, against the member or former member unless there is clear and

convincing evidence that the same personnel action would have been taken in the absence of

the communication.

“(2) A member or former member may demonstrate that the communication was made by this section through circumstantial evidence, such as evidence that—

“(A) the official taking the personnel ac-

tion knew of the communication; or

“(B) the personnel action occurred within a period of time such that a reasonable per-

son could conclude that the communication was a contributing factor in the personnel action.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date that is 90 days after the date of the en-

actment of this Act, and shall apply with respect to allegations pending or submitted under section 1094 of title 10, United States Code, on or after the date of en-

actment of this Act.

SEC. 1707. ADMINISTRATIVE SEPARATION PRO-

TECTIONS FOR MEMBERS OF THE ARMED FORCES AND PROHIBITED RETALIA-

TION INVESTIGATIONS AND REVIEWS RE-

LATING TO SEXUAL ASSAULT.

(a) Covered Member Defined.—In this sec-

tion, the term “covered member” means a member of the Armed Forces who is diag-


dosed with a mental health condition related to a sexual assault that occurred during the member’s service in the Armed Forces.

(b) Limitations on Separation for a Mental Dis-

order Not Constituting a Physical Disability.—

(1) Review of Diagnosis.—A covered mem-

ber shall not be separated on the basis of a personality disorder or other mental disorder not constituting a physical disability, unless the diagnosis of such disorder is—

“(A) corroborated by a peer or higher-level mental health professional; and

“(B) endorsed by the Surgeon General of the military department concerned.

(2) Co-Morbid PTSD Diagnosis.—Unless

found fit for duty by the disability evaluation system, a covered member shall not be separated on the basis of a personality dis-

order or other mental disorder not constituting a physical disability if service-related post-traumatic stress disorder is also diag-

nosed.

(c) Effective Date.—This section shall take effect 180 days after the date of the en-

actment of this Act.

SEC. 1708. DEPARTMENT OF DEFENSE WORKING GROUP ON ADMINISTRATIVE RE-

VIEW BOARDS.

(a) Establishment and Purpose.—The Secretary of Defense shall establish a De-

partment of Defense working group for the purpose of identifying and making rec-

ommendations to the Secretary on best practices and procedures to be used by boards for the correction of military records and discharge review boards in carrying out their responsibilities under section 1094 of title 10, United States Code, and in granting relief to claimants under that chapter.
(b) CONSULTATION.—In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with civilian practitioners of military law and with other organizations that have experience in cases before boards for the correction of military records and discharge review boards.


(2) SUBSEQUENT REPORT.—(A) IN GENERAL.—NOT LATER THAN TWO YEARS AFTER THE DATE OF THE ESTABLISHMENT OF THE WORKING GROUP, THE SECRETARY SHALL SUBMIT TO THE COMMITTEES OF CONGRESS REFERRED TO IN SUBPARAGRAPH (B) A REPORT CONTAINING AN EVALUATION CONDUCTED BY THE WORKING GROUP OF ALL THE RECOMMENDATIONS OF THE WORKING GROUP THAT HAVE BEEN OR ARE BEING IMPLEMENTED BY BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS OF THE MILITARY DEPARTMENTS, INCLUDING THE RESULTS OF THE IMPLEMENTATION OF SUCH RECOMMENDATIONS.

(B) COMMITTEES OF CONGRESS.—THE COMMITTEES OF CONGRESS REFERRED TO IN THIS SUBPARAGRAPH ARE—

(i) THE COMMITTEE ON ARMED SERVICES AND THE COMMITTEE ON VETERANS’ AFFAIRS OF THE SENATE; AND

(ii) THE COMMITTEE ON ARMED SERVICES AND THE COMMITTEE ON VETERANS’ AFFAIRS OF THE HOUSE OF REPRESENTATIVES.

SA 456. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 705. SPECIFICATION THAT INDIVIDUALS AND YOUTH PROGRAM SERVICES

(a) AMENDMENT.—SEC. 1792 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) YOUTH PROGRAM SERVICES.—Section 1798 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) CRIMINAL BACKGROUND CHECK.—A criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (28 U.S.C. 504) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 685 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9867a)."

(b) PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.—SEC. 1798 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) CRIMINAL BACKGROUND CHECK.—A criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (28 U.S.C. 504) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 685 of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9867a)."

SEC. 457. MR. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 870. PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.

(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to assess the feasibility and advisability of distributing the royalties and other payments as described in this section. Under the pilot program, except as provided in subsections (b) and (d), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Department of Defense laboratories, and from the licensing of inventions of Department of Defense laboratories, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

(1)(A) The laboratory director shall pay each year the first $2,000, and thereafter at least 20 percent of, the royalties or other payments, other than payments of patent costs as delineated by a license or assignment agreement, to the inventor or coinventors, if the inventor’s or coinventor’s rights are directly assigned to the United States.

(B) A laboratory director may provide appropriate incentives, from royalties or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of the inventions.

(C) The laboratory shall retain the royalties or other payments so transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory to further the fiscal year payments or during the 2 succeeding fiscal years—

(A) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications,

(B) to further scientific exchange among the laboratories of the agency,

(C) for education and training of employees consistent with the research and development functions of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency; or

(D) for payment incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the federal share of the costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(E) for any uses consistent with the research and development missions and objectives of the laboratory.

(2) The balance of the royalties or other payments retained by the laboratory after payments have been made pursuant to paragraphs (1)
and (2) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury of the United States.

(b) TREATMENT OF PAYMENTS TO EMPLOYEES.—

(1) IN GENERAL.—Any payment made to an employee under the pilot program shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any prior invention which shall continue after the inventor leaves the laboratory.

(2) CUMULATIVE PAYMENTS.—(A) Cumulative payments made under the pilot program while the inventor is still employed at the laboratory shall not exceed $500,000 per year to any one person, unless the Secretary concerned (as defined in section 101(a) of title 10, United States Code) approves a larger award.

(B) Cumulative payments made under the pilot program after the inventor leaves the laboratory shall not exceed $150,000 per year to any one person, unless the head of the agency approves the larger award (with the excess over $150,000 being treated as an agency award to a former employee under section 4506 of title 5, United States Code).

(c) INVENTION MANAGEMENT SERVICES.—Under the pilot program, a laboratory receiving royalties or other payments as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such royalties or payments to the extent required to offset payments to inventors under subparagraphs (A) of subsection (a)(1), costs and expenses incurred under subparagraph (D) of subsection (a)(2), and the cost of foreign patenting and maintenance for any invention of the other agency. All royalties and other payments remaining after offsetting the payments to inventors, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with subsection (a)(2).

(d) CONTRACTORS.—Under the pilot program, if the invention involved was one assigned to the laboratory:

(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency; or

(2) by an employee of the agency who was not working in the laboratory at the time the invention was made, the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

(e) SUNSET.—The pilot program under this section shall terminate 5 years after the date of the enactment of this Act.

SA 460. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. NORTH KOREA STRATEGY.

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth a strategy of the United States with respect to North Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of support from foreign nations for North Korea’s nuclear and ballistic missile programs.

(3) A description of the economic, political, and trade relationships between China and North Korea and Russia and North Korea, including their impact on the Government of North Korea.

(4) A description of the economic, political, and trade relationships between other countries that may be undermining United States objectives identified in paragraph (3).

(5) The desired end state in North Korea and current United States objectives relative to security threats emanating from North Korea.

(6) A detailed roadmap to reach the end state and objectives identified in paragraph (5) through unilateral and multilateral diplomatic, economic, and military means, including timelines for each element of the roadmap.

(7) An identification of the resources and authorities necessary to carry out the roadmap described in paragraph (6).

(8) A description of operational plans and associated military requirements for the protection of United States national security interests relative to threats from North Korea.

(9) An identification of any capability gaps and resource gaps that would impact the execution of any associated operational plan, and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner nation contributions to countering threats from North Korea and a plan to enhance diplomatic, economic, and military cooperation with nations that have shared security interests.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) QUARTERLY REPORT.—The President shall provide Congress with a quarterly written progress report on the implementation of the strategy required pursuant to subsection (a) in unclassified form.

SA 461. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for military activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The Military Value Analysis model of the Army has been a key determinant for the force structure and strategic basing decisions of the Army in recent years.

(2) The Committees on Armed Services of the Senate and the House of Representatives have determined that a lack of transparency regarding process, metrics, and scoring on the matters covered by the Military Value Analysis model has made proper oversight of the Army by Congress far more difficult.

(b) LIMITATION ON ARMY BASING DECISIONS PENDING REPORT ON MODEL.—The Secretary of the Army may not make any basing decision with respect to the Army during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which the Secretary submits the report required by subsection (c).

(c) REPORT ON UPDATED MODEL.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an update of the Military Value Analysis model of the Army.

(2) REVIEW.—The Secretary shall update the Military Value Analysis model for purposes of the report required by paragraph (1) following a review undertaken by the Secretary for purposes of the update. The review and update shall address and appropriately incorporate the following:

(A) Qualitative and quantitative criteria and criteria to be used in determining the force structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, military training personnel.

(B) Deployment criteria using a measure of the time required to deploy a unit of action from its home installation to its deployment site, including the time to deploy the unit personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(d) SCORING DATA FOR FORCE STRUCTURE AND MAJOR BASING DECISIONS.—After making
a force structure or major basing decision for the Army, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the scoring data developed by the Military Value Analysis model of the Army with respect to each military installation considered for purposes of the decision.

SA 463. Mr. FLAKE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Anti-Border Corruption Reauthorization Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the “Anti-Border Corruption Reauthorization Act of 2017.”

SEC. 1092. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

“(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

"(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

"(A) has served as a law enforcement officer for not fewer than three years with no break in service;

"(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

"(C) is not currently under investigation, has not been engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, has not been dismissed from a law enforcement officer position; and

"(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency.

“(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

"(A) has served as a law enforcement officer for not fewer than three years with no break in service;

"(B) has authority to make arrests, conduct searches, seizes or detain persons, carry firearms, and serve orders, warrants, and other processes;

"(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, or been dismissed from a law enforcement officer position; and

"(D) holds a current Tier 4 background investigation or current Tier 5 background investigation.

“(3) In the case of an individual who is a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

"(A) has served in the Armed Forces for not fewer than three years; and

"(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret / Sensitive Compartmented Information clearance;

"(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

"(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military offense under the Uniform Code of Military Justice; and

"(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

“(c) TERMINATION AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.”.

SEC. 1093. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

“SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

“(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from any other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

“(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 is subject to a Tier 5 background investigation shall be subject to a Tier 5 background investigation.

“(c) ADMINISTRATION OF POLYGRAPH EXAMINATIONS.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under subsection (b) of section 3 if information is discovered prior to the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.

“(1) The Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

"(I) the number of waivers requested, granted, and denied under section 3(b);

"(II) the reasons for any denials of such waivers;

"(III) the percentage of applicants who were hired after receiving a waiver;

"(IV) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

"(V) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

"(VI) additional authorities needed by U.S. Customs and Border Protection to authorize polygraph examinations.

“(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include:

"(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

"(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

“(c) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

“SEC. 6. DEFINITIONS.

“In this Act:

“(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term ‘Federal law enforcement officer’ means a ‘law enforcement officer’, as defined in section 8331(20) or 8401(17) of title 5, United States Code.

“(2) VETERAN.—The term ‘veteran’ has the meaning given such term in section 101(2) of title 38, United States Code.

“(3) SERIOUS MILITARY OR CIVIL OFFENSE.—The term ‘serious military or civil offense’ means an offense for which—

"(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

"(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635–200 chapter 14–12.

“(4) TIER 4; TIER 5.—The terms ‘Tier 4’ and ‘Tier 5’ with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.”.

SA 464. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1203. ANNUAL REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should seek from each ally or partner country of the United States acceptance of international security responsibilities and agreements to make contributions to the common defense commensurate with the economic resources and security environment of such country.

(b) REPORTS.—

"(1) IN GENERAL.—Not later than March 1, 2018, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report containing a description of—

"(I) the annual defense spending by each ally or partner country of the United States, including available data on nominal budget figures and defense spending as a percentage of such country’s gross domestic product, for the fiscal year immediately preceding the fiscal year in which the report is submitted; and

"(II) the activities of each such country to contribute to military stability operations in which the Armed Forces of the United States are a participant;
SA 467. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 3. MILITARY HUMANITARIAN OPERATIONS.

(a) Short Title.—This section may be cited as the “Military Humanitarian Operations Act of 2017”.

(b) Military Humanitarian Operation Defined.—In this section, the term “military humanitarian operation”—

(1) means a military operation—

(A) involving the deployment of members of the United States Armed Forces where hostile activities are reasonably anticipated; and

(B) with the aim of—

(i) enhancing or responding to a humanitarian catastrophe, including its regional consequences; or

(ii) addressing a threat posed to international peace and security;

(2) includes—

(A) operations undertaken pursuant to the principle of the “responsibility to protect”, as referenced in United Nations Security Council Resolution 1546 (2004);

(B) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(C) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or other international organizations, in circumstances defined to address specific humanitarian catastrophes; and

(d) does not mean a military operation undertaken—

(1) in support of or repel attacks, or prevent imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces;

(2) to invoke the inherent right to individual or collective self-defense in accordance with article 51 of the Charter of the United Nations;

(3) as a military mission to protect or rescue United States citizens or military or diplomatic personnel abroad;

(4) to carry out treaty commitments to directly aid allies in distress;

(5) as a humanitarian mission, not to exceed 30 days, in situations where no civil unrest or combat with hostile forces is reasonably anticipated;

(6) to maintain maritime freedom of navigation, including actions aimed at combating piracy; or

(7) as a training exercise conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

(c) Congressional Authorization Requirement.—The President may not deploy members of the United States Armed Forces into the territory, airspace, or waters of a foreign country for a military humanitarian operation not previously authorized by statute unless—

(1) the President submits to Congress a formal request for authorization to use members of the Armed Forces for the military humanitarian operation; and

(2) Congress specifically authorizes such use of forces.

(d) Severability.—If any provision of this section is held to be unconstitutional, the remainder of the section shall not be affected.

SA 466. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) In General.—Section 4091 of title 28, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.”.

(b) Relationship to an Authorization to Use Military Force, Declaration of War, or Authorization for Use of Force.—Section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).

(c) Definitions.—In this section:

(1) the term “Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

At the appropriate place, insert the following:

SEC. 2. SENSE OF SENATE ON THE DISAPPEARANCE OF DAVID SNEDDON.

(a) Findings.—The Senate makes the following findings:

(1) David Louis Sneddon is a United States citizen who disappeared while touring the Yunnan Province in the People’s Republic of China as a university student on August 14, 2004, at the age of 24.

(2) David had last reported to family members prior to his disappearance that he intended to hike the Tiger Leaping Gorge in the Yunnan Province before returning to the United States and had placed a down payment on student housing for the upcoming academic year, planned business meetings, and scheduled law school entrance examinations in the United States for the fall.

(3) People’s Republic of China officials have reported to the Department of State and the family of David that he most likely died by falling into the Jinsha River while hiking the Tiger Leaping Gorge, although no physical evidence or eyewitness testimony exists to support this conclusion.

(4) There is evidence indicating that David did not fall into the river when he was traveling through the gorge, including eyewitness testimony from people who saw David alive and spoke to him in person after his hike, as reported by members of David’s family and by embassy officials from the Department of State in the months after his disappearance.

(5) Family members searching for David shortly after he went missing obtained eye-witness accounts that David stayed overnight in several guesthouses during and after his safe hike through the gorge, and these guesthouse locations suggest that David disappeared after passing through the gorge, but the guest registers recording the names and passport numbers of foreign overnight guests could not be accessed.

(6) Chinese officials have reported that evidence does not exist that David was a victim of violent crime, or a resident in a local hospital, prison, or mental institution at the time of his disappearance, and no attempt has been made to use David’s passport since
the time of his disappearance, nor has any money been withdrawn from his bank account since that time.

(7) David Sneddon is the only United States soldier to disappear without explanation in the People’s Republic of China since the normalization of relations between the United States and China during the administration of President Richard Nixon.

(8) Investigative reporters and nongovernmental organizations with expertise in the Asia-Pacific region, and in some cases particularly the Chinese, American and North Korean railroad and North Korea’s documented program to kidnap citizens of foreign nations for espionage, have repeatedly raised the possibility that the Government of the Democratic People’s Republic of Korea (DPRK) was involved in David’s disappearance.

(9) Investigative reporters and nongovernmental organizations who have reviewed David’s case believe it is possible that the Government of North Korea was involved in David’s disappearance because—

(A) The Yunnan Province is regarded by regional experts as an area frequently trafficked by refugees fleeing support networks, and the Government of the People’s Republic of China allows North Korean agents to operate throughout the region in). For instance, such networks might include North Korean defectors Kang Byong-sop and members of his family who were captured near the China-Lao border just weeks prior to David’s disappearance.

(B) In 2002, North Korean officials acknowledged that the Government of North Korea has carried out a policy since the 1970s of abducting foreign citizens and holding them captive in North Korea for the purpose of training its intelligence and military personnel in such areas as initial language and cultural skills to infiltrate foreign nations.

(C) Charles Robert Jenkins, a United States soldier who deserted his unit in South Korea in 1965 and was held captive in North Korea for nearly 40 years, left North Korea in July 2004 (one month before David disappeared in China) and Jenkins reported that he was forced to teach English to North Korean intelligence and military personnel while in captivity.

(D) David Sneddon is fluent in the Korean language and is a native of the learning Mandarin, skills that could have been appealing to the Government of North Korea after Charles Jenkins left the country.

(E) Tensions between the United States and North Korea were heightened during the summer of 2004 due to recent approval of the North Korean Landing Rights Act of 2004 (Public Law 108-333) that increased United States aid to refugees fleeing North Korea, prompting the Government of North Korea to issue press release warning the United States to “drop its hostile policy”;

(F) David Sneddon’s disappearance fits a known pattern often seen in the abduction of foreigners, the government of North Korea, including the fact that David disappeared the day before North Korea’s Liberation Day patriotic national holiday, and the Government of North Korea has a demonstrated history of provocations near dates it deems historically significant;

(G) A well-reputed Japanese non-profit specializing in North Korean abductions shared with the United States its expert analysis in 2012 about information it stated was received “from a reliable source” that a United States soldier was abducted by a group of North Korean intelligence and military personnel, and David Sneddon’s description was taken from China by North Korean agents in August 2004 and

(H) A commentary published in the Wall Street Journal in 2013 cited experts looking at the Sneddon case who concluded that “it is most probable that a U.S. national has been abducted to North Korea,” and “there is a strong possibility that North Korea kidnapped the American”.

(3) Senate Resolution—The Senate—

(1) expresses its ongoing concern about the disappearance of David Louis Sneddon in Yunnan Province, People’s Republic of China, in the Democratic People’s Republic of Korea;

(2) directs the Department of State and the intelligence community to jointly continue investigations and to consider all plausible explanations for David’s disappearance, including the possibility of abduction by the Government of the Democratic People’s Republic of Korea;

(3) urges the Department of State and the intelligence community to coordinate investigations with the Governments of the People’s Republic of China, Japan, and South Korea and solicits information from appropriate regional affairs and law enforcement experts on plausible explanations for David’s disappearance;

(4) encourages the Department of State and the intelligence community to work with foreign governments known to have diplomatic influence with the Government of the Democratic People’s Republic of Korea to better investigate the possibility of the involvement of the Government of the Democratic People’s Republic of Korea in David Sneddon’s disappearance and to possibly seek his recovery; and

(5) requests that the Department of State and the intelligence community continue to work with and inform Congress and the family of David Sneddon on efforts to possibly recover David and to resolve his disappearance.

SA 469. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. R. 2310, to authorize appropriations for national security military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered read a second time, and ordered to be read a third time.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans for a per- year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered read a second time, and ordered to be read a third time.

(b) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT PLAN.—The term “Federal resource management plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term “greater sage-grouse” means a species of Centrocercus urophasianus.

(3) STATE MANAGEMENT PLAN.—The term “State management plan” means a State-approved plan for the protection and recovery of the greater sage-grouse.
4332(2)(C) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through 2027, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation of the requirements of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SA 470. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military construction and defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. 114. SHORT-TERM LIMITED DURATION INSURANCE.—For purposes of this section—

(a) In General.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by the preceding sections of this Act, is amended by adding at the end the following:

(1) The term ‘short-term limited duration insurance’ means health insurance coverage provided pursuant to a contract with an issuer which has an expiration date specified in the contract which (without regard to extensions which may be elected by the policyholder without the consent of the issuer or any guaranteed renewal of the contract offered by the issuer) is less than 12 months after the original effective date of the contract.

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

SEC. 115. INCREASE IN MAXIMUM CONTRIBUTION LIMITATION.

(a) In General.—Paragraph (2) of section 223(b) of the Internal Revenue Code of 1986 is amended by striking paragraphs (3) and (5) and redesignating paragraph (4) as paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by striking paragraphs (3) and (5) and redesignating paragraph (4) as paragraph (6).

(2) Paragraph (3) of section 223(b) of such Code is amended by striking the last sentence.

(C) by redesignating paragraph (2) as paragraph (3), (D) in paragraph (1)(B), by striking ‘‘the term ‘short-term limited duration insurance’ means health insurance coverage provided pursuant to a contract with an issuer which has an expiration date specified in the contract which (without regard to extensions which may be elected by the policyholder without the consent of the issuer or any guaranteed renewal of the contract offered by the issuer) is less than 12 months after the original effective date of the contract’’.

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

SEC. 112. MEMBERSHIP IN HEALTH CARE SHARING MINISTRIES.

(a) In General.—Section 5000A(d)(2) of the Internal Revenue Code of 1986, as amended by the preceding sections of this Act, is amended by adding at the end the following:

(1) Membership in health care sharing ministry shall be treated as coverage under a high deductible health plan.

(2) Paragraph (3) of section 223(b) of such Code is amended by striking ‘‘calendar year 2003’.’’

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.
[Relevant legislative text and summary]
(D) by inserting “or (2)” after “paragraph (1)” in paragraph (3), as so redesignated, and
(E) by inserting after paragraph (1) the following new paragraph:

“(2) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 116. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 117. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Section 223(d) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding after the last paragraph thereof the following new paragraph:

“(1) The issuer of the plan described in subsection (a) in which an eligible insured is enrolled shall eliminate any cost-sharing reduction (and payments to issuers of such plans) for plan years beginning after December 31, 2017, for any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest.”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SA 476. Mr. SULLIVAN (for himself, Mr. HOEVEN, Ms. MURKOWSKI, and Mr. ROUNDS) submitted an amendment to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

(1) IN GENERAL.—Any term used in this section which is also used in section 36B of the Internal Revenue Code of 1986 shall have the same meaning ascribed to such term by such section.

(2) LIMITATIONS ON REDUCTION.—No cost-sharing reduction shall be allowed under this section with respect to coverage for any month unless the month is a coverage month with respect to which a credit is allowed to the holder of the plan (or an applicable taxpayer on behalf of the insured) under section 36B of such Code.

(3) DATA USED FOR ELIGIBILITY.—Any determination under this section shall be made on the basis of the taxable year for which the advance determination is made under section 1412 and not the taxable year for which the credit under section 36B of such Code is allowed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost-sharing reductions for plan years beginning after December 31, 2019.

SA 477. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

(1) IN GENERAL.—In the case of an eligible insured enrolled in a qualified health plan in the individual market through an Exchange—

“(1) The Secretary shall notify the issuer of the plan of such eligibility; and

“(2) the issuer shall reduce the cost-sharing under the plan at the level and in the manner specified in subsection (c).

(3) ELIGIBLE INSURED.—For purposes of this section, the term ‘eligible insured’ means an Indian (as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d))) whose household income is not more than 300 percent of the poverty line for a family of the size involved.

(4) REDUCED COST-SHARING.—

“(1) IN GENERAL.—The issuer of the plan described in subsection (a) in which an eligible insured is enrolled shall eliminate any cost-sharing reduction (and payments to issuers of such plans) for plan years beginning after December 31, 2017, for any item or service by the amount of any cost-sharing reduction (and payments to issuers of such plans) for plan years beginning after December 31, 2017, for any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 204. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period of time and for such reductions made by this Act and (except for payments authorized by section 1402 of such Act, as amended by section 209) ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through December 31, 2020.

SEC. 205. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—The Patient Protection and Affordable Care Act is amended by striking section 1402.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to cost-sharing reductions for plan years beginning after December 31, 2019.

SEC. 206. REPEAL OF COST-SHARING FOR CERTAIN INDIVIDUALS.

(a) IN GENERAL.—The issuer of the plan described in subsection (a) in which an eligible insured enrolled in a qualified health plan in the individual market through an Exchange—

“(1) if the plan is an employer-sponsored plan, the issuer shall not impose any cost-sharing reduction (and payments to issuers of such plans) for plan years beginning after December 31, 2017, for any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest.”.

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

SEC. 550. CIVILIAN TRAINING FOR NATIONAL GUARD PILOTS AND SENSOR OPERATOR AIRCRAFTS OF MQ-9 UNMANNED AERIAL VEHICLES.

(a) CONTRACTS FOR TRAINING.—The Chief of the National Guard Bureau may enter into contracts for training and payments to issuers of civilian entities in order to provide flying or operating training for National Guard pilots
and sensor operator aircrew members in the MQ-9 unmanned aerial vehicle if the Chief of the National Guard Bureau determines that—

(1) Air Force training units lack sufficient capacity to train such pilots or sensor operator aircrew members for initial qualification in the MQ-9 unmanned aerial vehicle;

(2) pilots or sensor operator aircrew members of Air National Guard units require continuation training in order to remain current and qualified in the MQ-9 unmanned aerial vehicle;

(3) non-combat continuation training in the MQ-9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members to achieve required levels of flying or operating proficiency; or

(4) such training for such pilots or sensor operator aircrew members is necessary in order to meet requirements for the National Guard to provide pilots and sensor operator aircrew members qualified in the MQ-9 unmanned aerial vehicle for operations on active duty and in State status.

(b) NATURE OF TRAINING UNDER CONTRACTS.—Any training provided pursuant to a contract under subsection (a) shall incorporate a level of instruction that is equivalent to the instruction in the MQ-9 unmanned aerial vehicle.

(c) REQUIREMENTS.—(1) non-combat continuation training in the MQ-9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members at Air Force training units.

SA 479. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2680, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was agreed to by the Senate by the74th vote.

SEC. 7. EMPOWERING FEDERAL EMPLOYMENT FOR VETERANS.

(a) ESTABLISHMENT OF VETERANS EMPLOYMENT PROGRAMS IN FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term "covered agency" means—

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Agriculture;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Health and Human Services;

(x) the Department of Housing and Urban Development;

(xi) the Department of Transportation;

(xii) the Department of Energy;

(xiii) the Department of Education;

(xiv) the Department of Veterans Affairs;

(xv) the Department of Homeland Security;

(xvi) the Environmental Protection Agency;

(xvii) the National Aeronautics and Space Administration;

(xviii) the Agency for International Development;

(xix) the General Services Administration;

(xx) the National Science Foundation;

(xxi) the Nuclear Regulatory Commission;

(xxii) the Office of Personnel Management;

(xxiii) the Small Business Administration;

(xxiv) the Social Security Administration; and

(xxv) any other Executive agency (as defined in section 105 of title 5, United States Code) that the President may designate;

(B) the term "transitioning member of the Armed Forces" means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces and who...

and provide mandatory annual training to human resources employees and hiring managers of the agency concerning veterans' employment preferences and special authorities for the hiring of veterans.

(4) COORDINATION BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) IN GENERAL.—The Director of the Office of Personnel Management shall facilitate coordination among veterans employment officials, including appropriate sharing of resources and information to help match the skills and career aspirations of veterans to the needs of the agency.

(B) RESPONSIBILITIES.—The Director of the Office of Personnel Management shall—

(i) establish or maintain a Veterans Employment Program Office within the covered agency;

(ii) designate an employee of the covered agency who shall have full-time responsibility for carrying out a Veterans Employment Program for the covered agency; and

(B) RESPONSIBILITIES.—The Director of the Office of Personnel Management shall—

(i) the agency plan for promoting employment opportunities for veterans;

(ii) veterans recruitment programs; and

(iii) training programs for veterans with disabilities.

(B) coordinate and provide employment counseling and training programs to prospective applicants to help match the skills and career aspirations of veterans to the needs of the agency, targeting high-demand Federal occupations that are projected to have heavy recruitment needs;

(C) participate in skills-based, cross-governmental, and individual agency career development programs to leverage those programs in matching veterans' career aspirations with high-growth occupations; and

(D) provide mandatory annual training to human resources employees and hiring managers of the agency concerning veterans' employment preferences and special authorities for the hiring of veterans.

 thôn To assess the effectiveness of efforts to promote recruiting, hiring, retention, training and skills development, and job satisfaction.

(B) as a national forum for promoting employment opportunities for veterans in the executive branch of the Federal Government.

(C) To establish performance measures to assess the effectiveness of efforts to promote recruiting, hiring, retention, and skills development, and job satisfaction of veterans by the Federal Government.

(D) Not later than 1 year after the date of enactment of this Act and not less frequently than once each year thereafter, to submit to the President and Congress a report on the effectiveness of those efforts.

(B) ADMINISTRATION.—

(A) DUTIES OF CO-CHAIRS.—The Co-Chairs shall convene regular meetings of the Council, determine its agenda, and direct its work.
(B) STEERING COMMITTEE.—At the direction of the Co-Chairs, the Council may establish—
   (i) a Steering Committee to provide leadership, accountability, and strategic direction to
   the Council, and
   (ii) subgroups to promote coordination among veterans employment officials (as defined in subsection (a)(1)).

(C) DIRECTOR.—The Co-Chairs, in consultation with the Director of Personnel Management, shall establish a
   Director of the Council to support the Vice Chair in managing the Council's activities.

(D) COMPENSATION AND RESPONSIBILITIES OF DIRECTOR.—The Director of Personnel Management
   shall pay the Director such compensation as the Secretary of Defense, in consultation with the Co-Chairs, considers
   appropriate.

(2) PARTICIPATION BY FEDERAL AGENCIES.—The Director, in consultation with the Secretaries of Defense,
   Energy, and for other purposes, may invite other Federal agencies to participate in the SkillBridge initiative.

(3) TRANSITIONING MEMBERS OF THE ARMED FORCES DEFINED.—In this subsection, the term
   “transitioning member of the Armed Forces” means a member of the Armed Forces who
   is expected to be discharged or separated from active duty, including
   the provision of training by Federal agencies under the initiative to transition members of the Armed Forces.

(E) EXPANSION OF SKILLBRIDGE INITIATIVE TO INCLUDE PARTICIPATION BY FEDERAL AGENCIES.—
   The Secretary of Defense, in consultation with the Director of Personnel Management, shall make such modifications to the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the initiative to train and transition members of the Armed Forces.

(F) EFFECTIVE DATE.—This section and the amendments made by section 12733 of this title shall
   take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that
   commence on or after that date.

SA 481. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HENRICH, and Mrs. MURRAIY)—submitted an amendment
   intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018
   for military activities of the Department of Defense, for military construction, and
   for defense activities of the Department of Energy, to prescribe military personnel strengths
   for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

   At the end of subtitle A of title VI, add the following:

   SEC. 12733. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

   (a) COMPENSATION.—Section 206a(a) of title 37, United States Code, is amended—
      (1) in paragraph (2), by striking “or” at the end;
      (2) in paragraph (3), by striking the period at the end and inserting “; or”; and
      (3) by adding the following new paragraph:

   “(2) for each of 12 days in connection with the taking by the member of a period of
   maternity leave.”,

   (b) CREDIT FOR RETIRED PAY PURPOSES.—
      (1) IN GENERAL.—Section 12732(a)(2) of title 10, United States Code, is amended by
      inserting after paragraph (E) the following new subparagraph:

   “(F) Points at the rate of 12 a year for the taking of maternity leave.”,

   (2) CREDIT IN LIEU OF YEAR.—Section 12732(a)(2) of title 10, United States Code, is amended by
      inserting after paragraph (E) the following new subparagraph:

   “(F) Points at the rate of 12 a year for the taking of maternity leave.”

   (c) EFFECTIVE DATE.—This section and the amendments made by this section shall take
      effect on the date of the enactment of this Act, and shall apply with respect to periods of
      maternity leave that commence on or after that date.

SA 482. Mr. CARDIN—submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize
   appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and
   for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal
   year, and for other purposes; which was ordered to lie on the table; as follows:

   At the end of subtitle G of title X, add the following:

   SEC. 1088. LIMITATION ON USE OF FUNDS TO CLOSE BIOSAFETY LEVEL 4 LABORATORIES.

   None of the funds authorized under this Act or any other Act may be used to support the closure or transfer of any
   biosafety level 4 laboratory of the Department of Energy that monitors chemical or biological threats.

SA 483. Mr. CARDIN—submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize
   appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and
   for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal
   year, and for other purposes; which was ordered to lie on the table; as follows:

   At the end of subtitle D of title IX, add the following:

   SEC. 953. NEW NAVY SHIP INTEGRATION AND DESIGN CENTER.

   The Secretary of the Navy shall establish at a current Naval Surface Warfare Center a new Navy Ship Integration and Design Center to support current and future Navy vessel acquisition programs in order to reduce costs due to inefficiencies and vessel design cycle times.

SA 484. Mr. CARDIN—submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize
   appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and
   for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal
   year, and for other purposes; which was ordered to lie on the table; as follows:
SEC. 1092. DEFINITIONS.

(a) Modernization Required.—The Secretary of the Air Force shall take appropriate actions to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with AESA radars.

(b) Modernization Required.—At the end of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to modernize the radars of F–16 fighter aircraft of the National Guard as required by subsection (a).

SEC. 1086. PLAN FOR DEVELOPMENT OF ENERGETIC MATERIALS BY DEPARTMENT OF NAVY.

(a) Plan Required.—The Secretary of the Navy shall—

(A) submit a plan to the congressional defense committees for the purposes of—

(b) Modernization Required.—Not later than March 2, 2018, the Secretary shall submit to Congress a report on the plan required by subsection (a).

SEC. 1087. Mr. CARPER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title D of title I, add the following:

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the “Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017.”

SEC. 1102. DEFINITIONS.

In this subtitle:

(1) Improper Payment.—The term “improper payment” has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 321 note).

(2) Questionable Transaction.—The term “questionable transaction” means a charge card transaction that from initial card data appears to be high risk and may therefore be improper due to the absence of applicative law, regulation or policy.

(3) Strategic Sourcing.—The term “strategic sourcing” means analyzing and modifying a Federal plan to provide additional leverage to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 1093. EXPANDED USE OF DATA ANALYTICS.

(a) Strategic Sourcing.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies’ capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

(b) Guidance on Improving Information Sharing to curb Improper Payments.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services shall submit to Congress a report identifying and exploring further potential savings opportunities with purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(2) including other best practices as determined by the Administrator and Director.

(c) Membership.—The purchase and travel card charge card data management group shall meet quarterly, as determined by the Administrator and Directors, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) and others identified by the Administrator and Director.

SEC. 1094. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) In General.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services, shall submit a report to Congress on the implementation of this subtitle, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable or improper payments as well as improved utilization of card-based payment products.

(b) Agency Reports and Consolidated Report to Congress.—Not later than one year after the date of enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112-194) shall submit a report to the Director of the Office of Management and Budget on that agency’s activities to implement this subtitle.

(c) Office of Management and Budget Report to Congress.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this subtitle, which may be included as part of another report submitted to Congress by the Director.

SEC. 1095. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) Establishment.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 1093(a).

(b) Elements.—The best practices developed under subsection (a) shall include—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(c) other best practices as determined by the Administrator and Director.

SEC. 1096. REPORTING REQUIREMENTS.

SEC. 1097. ADMINISTRATIVE SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this subtitle, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable or improper payments as well as improved utilization of card-based payment products.

SEC. 1098. REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this subtitle, as described in section 1094(b).

SEC. 1099. Certification.—Not later than one year after the date of enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).

SEC. 1100. Mr. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction,
and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1240. SENSE OF CONGRESS ON USE OF TEST SITES FOR RESEARCH AND DEVELOPMENT ON COUNTERING UNMANNED AERIAL SYSTEMS.

It is the sense of Congress that—

(1) the armed unmanned aerial systems deployed for military purposes pose a threat to military installations, critical infrastructure, and members of the Armed Forces in conflict areas like Iraq and Syria;

(2) the unmanned aerial systems test sites designated by the Federal Aviation Administration offer unique capabilities, expertise, and airspace for research and development related to unmanned aerial systems; and

(3) the Armed Forces should, to the extent practicable, seek to leverage the test sites described in paragraph (2) for research and development on capabilities to counter the nefarious use of unmanned aerial systems.

SA 489. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 655, line 4, insert after “the Republic of Korea and Japan” the following:—

should fully consider actions to reassure the Republic of Korea and Japan of the enduring commitment of the United States to provide its full range of capabilities in their defense”.

SA 490. Mr. WARNER (for himself, Mr. SULLIVAN, Mr. ROYBAL-CASTRO, Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1270E. ADVANCEMENTS IN DEFENSE CO-OPERATION BETWEEN THE UNITED STATES AND INDIA.

(a) STRATEGY TO FURTHER COOPERATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall, in consultation with the Secretary of State, develop a strategy for advancing defense cooperation between the United States and India.

(2) ELIMINATING.—The strategy shall address the following:

(A) Common security challenges.

(B) The role of United States partners and allies in the United States-India defense relationship.

(C) The role of the Defense Technology and Trade Initiative.

(D) How to advance the Communications Interoperability and Security Memorandum of Agreement and the Basic Exchange and Cooperation Agreement for Geospatial Cooperation.

(E) The role of joint exercises, operations, patrols and mutual defense planning.

(F) Any other matters of the Secretary of Defense or the Secretary of State considers appropriate.

(b) INDIA AS MAJOR DEFENSE PARTNER.—

(1) FUNDAMENTAL: Congress makes the following findings:


(B) The President and the Prime Minister of India, in a joint statement, noted that India is a Major Defense Partner of the United States.

(C) The designation of “Major Defense Partner” is unique to India, and institutionalizes the progress made to facilitate defense trade and technology sharing between the United States and India.

(D) The designation elevates defense trade and technology cooperation between the United States and India to a level commensurate with the closest allies and partners of the United States.

(E) The designation is intended to facilitate technology sharing between the United States and India, including access to a wide range of dual-use technologies.

(F) The designation facilitates joint exercises, coordination on defense strategy and policy, military exchanges, and port calls in support of defense cooperation between the United States and India.

(2) INTERAGENCY DEFINITION.—The Secretary of Defense, the Secretary of State, and the Secretary of Commerce shall jointly produce a common definition of the term “Major Defense Partner” as it relates to India for joint cooperation between the Department of Defense, the Department of State, and the Department of Commerce.

(c) RESPONSIBILITY FOR ENHANCED CO-OPERATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall, in consultation with the Secretary of Commerce, produce a common definition for joint cooperation between the United States and India.

(2) ADDITIONAL DUTIES.—In addition to the duties specified in clauses (i) and (ii) of subsection (a)(1), the Secretary of Defense and the Secretary of State shall:

(A) Have the meaning given the term in section 3563;

(B) The，在of the Office of Management and Budget;

(C) The term ‘data asset’ means a digital file or digital object.

(D) The term ‘Director’ means the Director of the Office of Management and Budget;

(E) The term ‘open data’ means a collection of distinct or related data or data sets that may be grouped together;

(F) The term ‘Director’ means the Director of the Office of Management and Budget;

(G) The term ‘Enterprise Data Inventory’ means a data inventory developed and maintained under section 3563;

(H) The terms ‘information resources management’, ‘information system’, and ‘information technology’ have the meanings given those terms in section 3562;

(I) The term ‘machine-readable’ means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

(J) The term ‘metadata’ means structural or descriptive information about data such as title, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

(K) The term ‘open data’ means a data asset maintained by the Federal Government that is—

(A) machine-readable;

(B) available in an open format;

(C) not encumbered by restrictions that would impede use or reuse;

(D) releasable to the public according to guidance issued by the Director under section 3562(d); and

(E) based on an underlying open standard that is maintained by a standards organization;

(F) The term ‘license’ means a legal agreement applied to a data asset that the data asset is made available;

(G) The term ‘data asset is made available’ means—

(A) at no cost to the public; and

(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

SEC. 12. OPEN GOVERNMENT DATA.

(a) SHORT TITLES.—This section may be cited as the “Open, Public, Electronic, and Necessary Government Data Act” or the “OPEN Government Data Act”.

(b) DEFINITION.—In this section, the term “agency” has the meaning given the term in section 3561 of title 44, United States Code, as added by subsection (c).

(c) OPEN GOVERNMENT DATA.—

(H) The term ‘Director’ means the Director of the Office of Management and Budget;

(I) The term ‘Enterprise Data Inventory’ means a data inventory developed and maintained under section 3563;

(J) The terms ‘information resources management’, ‘information system’, and ‘information technology’ have the meanings given those terms in section 3562;

(K) The term ‘machine-readable’ means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

(L) The term ‘metadata’ means structural or descriptive information about data such as title, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

(M) The term ‘open data’ means a data asset maintained by the Federal Government that is—

(A) machine-readable;

(B) available in an open format;

(C) not encumbered by restrictions that would impede use or reuse;

(D) releasable to the public according to guidance issued by the Director under section 3562(d); and

(E) based on an underlying open standard that is maintained by a standards organization;

(F) The term ‘license’ means a legal agreement applied to a data asset that the data asset is made available;

(G) The term ‘data asset is made available’ means—

(A) at no cost to the public; and

(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

S 3562. REQUIREMENTS FOR GOVERNMENT DATA

(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available
by an agency shall be published as machine-readable data.

"(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and agency policies, confidentiality, and any other restrictions, and according to guidance issued by the Director under subsection (d)—

(1) data assets maintained by the Federal Government shall—

(A) be available in an open format; and

(B) shall develop and maintain under open licenses; and

(2) open Government data assets published by or for an agency shall be made available under an open license.

(3) Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, the private sector and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

"(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsections (a) and (b), including criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

(1) individual and confidentiality risks and restrictions, 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;

(2) 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;

(3) 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;

(4) the expectation that a data asset be disclosed, if it would otherwise be made available under section 522 of title 5 (commonly known as the ‘Freedom of Information Act’); and

(5) any other considerations that the Director determines to be relevant.

"§ 3563. Enterprise Data Inventory

(a) AGENCY DATA INVENTORY REQUIRED.—

(1) in order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Chief Information Officer of the agency, shall—

(A) using open format for any new open Government data asset created or obtained on or after the date that is 1 year after the date of enactment of this section; and

(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

(2) in consultation with the Director, develop an open data plan that, at a minimum and to the extent practicable—

(A) requires the agency to develop processes and procedures that—

(i) require each new data collection mechanism to use an open format and

(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how the data is used and use open Government data assets;

(B) identifies and implements methods for collecting and analyzing digital information on data assets and data producers outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, feedback, improvements, and complaints about adherence to open data requirements;

(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets; and

(3) review and update the plan at an interval determined by the Director.

(b) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—The Director shall issue guidance for each Enterprise Data Inventory, including criteria that the Director requires. The Enterprise Data Inventory includes a compilation of metadata about agency data assets.

"(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency shall—

(1) make the Enterprise Data Inventory of the agency available to the public on the Federal Data Catalog required under section 3566;

(2) ensure that access to the Enterprise Data Inventory and data contained therein is consistent with applicable law, regulation, and policy; and

(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

"(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

(1) to the extent practicable, complete the Enterprise Data Inventory for the agency later than 90 days after the date of enactment of this section; and

(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

"(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

§ 3564. Federal agency responsibilities

(a) INFORMATION RESOURCES MANAGEMENT.—With respect to information resources management, each agency shall—

(1) improve the integrity, quality, and utility of information to all users within and outside the agency;

(2) ensure that data assets are used for purposes that are supported by the data owner; and

(3) implement open data best practices.

(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency shall—

(1) provide access to open Government data assets online;

(2) take the necessary precautions to ensure that the agency maintains the productivity and publication and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

(3) may engage the public in using open Government data assets and encourage collaboration by—

(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

§ 3565. Additional agency data asset management responsibilities

The Chief Information Officer of each agency, or other appropriate official designated by the head of an agency, in collaboration with other internal agency stakeholders and other responsible officials shall—

(1) data asset management, format standardization, sharing of data assets, and publication of data assets for the agency;

(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3563;

(3) ensuring that agency data conforms with open data best practices;

(4) engaging agency employees, the public, and contractors in using open Government data assets and encouraging collaboration approaches to these assets;

(5) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

(6) supporting officials responsible for leading agency mission areas and Government-wide initiatives in maximizing data assets available for program administration, statistics, evaluation, research, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions;

(7) reviewing the information technology infrastructure of the agency and the impact of these initiatives on making data assets accessible to reduce barriers that inhibit data asset accessibility;
“(8) ensuring that, to the extent practicable, the agency is maximizing data assets used in agency information systems generated by applications, devices, networks, facilities, and other source types, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

“(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director.

§3566. Federal Data Catalog

(a) Federal Data Catalog Required.—The Administrator of General Services shall maintain a data catalog to be known as the ‘Federal Data Catalog’, as a point of entry dedicated to sharing open Government data assets with the public.

(b) Coordination With Agencies.—The Director shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data assets published through the interface described in subsection (a).

(2) REPOSITORY.—

(A) EFFECTIVE DATE.—Notwithstanding subsection (1), section 3562 of title 44, United States Code, as added by paragraph (1), shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after that effective date.

(B) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that the agency by new contract entered into by the agency meets the requirements of section 3562 of title 44, United States Code, as added by paragraph (1).

(C) DEADLINE FOR FEDERAL DATA CATALOG.—Not later than 180 days after the effective date of this section, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1).

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following: “SUBCHAPTER III—OPEN GOVERNMENT DATA

§3561. Definitions.

§3562. Requirements for Government data.

§3563. Enterprise Data Inventory.

§3564. Enterprise Data Inventory responsibilities.

§3565. Additional agency data asset management responsibilities.

§3566. Federal Data Catalog.”

(d) EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.—

(1) AGENCY REVIEW OF EVALUATION AND ANALYTICAL CAPABILITIES REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in paragraph (2).

(2) REQUIREMENTS OF AGENCY REVIEW.—The report required under paragraph (1) shall assess the following:

(A) The extent to which policies and procedures of the agency are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(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 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.

(D) The extent to which the agency uses methods and tools 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 efforts include the provision in the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) The extent to which the agency has the capacity to assist front-line staff and programs in offices, agencies, and divisions with the use of data to support evaluation efforts.

(G) The extent to which the agency has the capacity to assist front-line staff and programs in offices, agencies, and divisions in using data to support evaluation efforts.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of information or records that may be withheld from public disclosure under any provision of law, including section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”) or section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”).

(1) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 492. Mr. SCHATZ (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 709. REVIEW OF DISCHARGE CHARACTERIZATION OF FORMER MEMBERS OF THE ARMED FORCES WHO WERE DISCHARGED DUE TO UNLAWFUL ORIENTATION.

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member, the appropriate discharge board shall be governed by the following criteria:

(1) The original discharge must be based on Don’t Ask Don’t Tell (in this Act referred to as “DADT”) or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable.

(1) ELECTIVE DISCHARGE.—A covered member who is discharged from the Armed Forces after the DADT Act shall not be subject to law under section 315 of title 10, United States Code (commonly known as the “Privacy Act of 1974”).
SA 493. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2310, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 563. ELIGIBILITY AND PRIORITY FOR MILITARY CHILD CARE SERVICES.

(a) REORGANIZATION OF MILITARY CHILD CARE FUNDING PROVISIONS.—Subchapter II of chapter 88 of title 10, United States Code, is amended—

(1) by transferring section 1793 so as to appear after section 1791; and

(2) by redesignating such section, as so transferred, as section 1791a.

(b) ELIGIBILITY AND PRIORITY.—

(1) IN GENERAL.—Subchapter II of such chapter is further amended by inserting after section 1792 the following new section:

"§1793. Child care services: eligibility and priority for services of eligible children; services and youth program services for children and youth otherwise ineligible for care under chapter 88.

(1) ELIGIBILITY.—Children are eligible for child care services at military child development centers on a full-time basis as follows:

(A) Children of a member on active duty who previously incurred a wound [or serious injury] in combat in line of duty on active duty.

(B) Children of a member on active duty who, as a child, previously experienced discrimination on the basis of race, color, religion, sex, or national origin who is a member of a dual-parent family in which one of the parents is a regular member of the armed forces.

(B) Children of a member of a dual-parent family in which both parents are regular members of the armed forces.

(B) Children of deployable parents (to be known as 'Priority Group 2 Children'), including children as follows:

(A) Children in a dual-parent family in which one of the parents is a regular member of the armed forces.

(B) Children of a member of the Selected Reserve.

(C) Children of an employee of the Department of Defense who is on, or is within 90 days of commencing, an assignment overseas.

(C) Children of parents who support Department of Defense missions (to be known as 'Priority Group 3 Children'), including children as follows:

(A) Children of a member of the Individual Ready Reserve.

(B) Children of the employee of the Department of Defense (other than an employee described in paragraph (2)(C)), including children as follows:

(A) Children of a member or former member of the armed forces who is in receipt of, or eligible for receipt of, retired or retainer pay.

(B) Children of an employee of the Federal Government with a department or agency other than the Department of Defense.
“(C) Children of a contractor employee of the Department who is otherwise eligible for child care services under this subchapter.

(b) PRIORITY OF ELIGIBILITY.—

(1) Priority of eligibility under subsection (a) shall be in the order of the paragraphs set forth under that subsection, with actual eligibility for child care services at any particular military child development center dependent on the availability of space and resources at such center.

(2) CONSTRUCTION OF MULTIPLE PRIORITIES.—In the event of a child’s priority of eligibility under subsection (a) under more than one paragraph, the child’s priority of eligibility under that subsection shall be the higher priority or priority for that subsection.

“(d) REGULATIONS.—This section shall be administered in accordance with regulations prescribed by the Secretary of Defense for purposes of this section. The regulations shall take into account the objective that the priority of eligibility established by subsection (a) is intended to support the policy and plans for the Department of Defense for the support of military family readiness developed pursuant to section 1781b of this title.

(2) PRESERVATION OF EXISTING ELIGIBILITY AND PRIORITY.—Nothing in the amendment made by paragraph (1) may be construed as terminating, altering, or impairing the eligibility or priority for child care services at military child development centers of any military child without the consent of such service at such center without interruption.

(c) RESTATEMENT IN AUTHORITY ON ELIGIBILITY AND PRIORITY OF AUTHORITY FOR PROVISION OF CHILD CARE AND YOUTH PROGRAM SERVICES FOR CHILDREN AND YOUTH OTHERWISE INELIGIBLE.—

(1) IN GENERAL.—Section 1790 of title 10, United States Code, as amended by subsection (b) of this section, is further amended by inserting after subsection (b) the following new subsection (c): ‘‘(c) CHILD AND YOUTH PROGRAM SERVICES FOR CHILDREN AND YOUTH OTHERWISE INELIGIBLE.—

(1) AUTHORITY.—The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under 18 years of age who are not dependent upon members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs.

(2) LIMITATION.—Authorization of participation in a program under paragraph (1) shall be limited to situations in which that participation does not impede the attainment of the objectives set forth in paragraph (3), as determined by the Secretary.

(3) OBJECTIVES.—The objectives for authorizing participation in a program under paragraph (1) are as follows:

(A) To support the integration of children and youth of military families into civilian communities.

(B) To make more efficient use of Department of Defense facilities and resources.

(C) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of members of the armed forces.’’.

(2) REPEAL OF SUPERSEDED AUTHORITY.—


SA 495. Mr. THUNE (for himself, Mr. SULLIVAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows: After title XXXV, insert the following:

TITLES XXXVI—COAST GUARD

SEC. 3611. AUTHORIZATION OF APPROPRIATIONS.

The amendments made by section 3626 shall take effect on January 1, 2018.

Subtitle A—Authorizations

SEC. 3611. AUTHORIZATION OF APPROPRIATIONS.

Section 2702 of title 14, United States Code, is amended to read as follows:

‘‘§ 2702. Authorization of appropriations

‘‘(a) Funds are authorized to be appropriated for—

(1) For the operation and maintenance of the Coast Guard, not otherwise provided for—

(A) $3,700,000,000 for fiscal year 2018; and

(B) $3,592,000,000 for fiscal year 2019.

For the environmental compliance and restoration program, research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard’s mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

(B) $17,409,807 for fiscal year 2019, to remain available through September 30, 2023.

(5) To the Commandant of the Coast Guard for the environmental compliance and restoration program of the Coast Guard under chapter 19 of this title—

(A) $17,051,721 for fiscal year 2018, to remain available through September 30, 2022; and

(B) $17,100,329 for fiscal year 2019.

(6) For the environmental compliance and restoration program of the Coast Guard under chapter 19 of this title, to remain available through September 30, 2021.

(7) For the environmental compliance and restoration program of the Coast Guard under chapter 19 of this title, to remain available through September 30, 2022.

(8) To the Commandant of the Coast Guard for the environmental compliance and restoration program of the Coast Guard under chapter 19 of this title—

(A) $13,567,446 for fiscal year 2019, to remain available through September 30, 2021; and

(B) $13,583,478 for fiscal year 2020.

Subtitle B—Coast Guard Personnel

SEC. 3621. PRIMARY DUTIES.

Section 2(7) of title 14, United States Code, is amended by striking ‘‘including the fulfillment of Maritime Defense Zone command responsibilities’’ and inserting ‘‘and all times assist in the defense of the United States’’.

SEC. 3622. TRAINING; EMERGENCY RESPONSE PROVIDERS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by inserting after section 1411 the following:

‘‘§ 1411a. Training; emergency response providers

‘‘(a) IN GENERAL.—The Commandant (or the Commandant’s designee) may, on a reimbursable or a nonreimbursable basis, make training available to emergency response providers whenever the Commandant (or the Commandant’s designee) determines that—

(A) the person was scheduled to participate in such training, is unable or unavailable to participate in such training;

(B) another member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard described in paragraph (1) is assigned, is unable or unavailable to participate in such training;

(3) such training, if made available to emergency response providers, would further
the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

(b) Definition of Emergency Response Provider.—In this section, the term ‘emergency response provider’ has the meaning given the term in section 101 of title 6.

(c) Treatment of Reimbursement.—Any reimbursement for training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

(d) Status; Limitation on Liability.—

(1) Status.—Any individual to whom, as an emergency response provider, training is made available under this section shall not be considered a Federal employee for any purpose, including the purposes of—

(A) chapter 81 of title 5 (relating to compensation for injury); or

(B) sections 2671 through 2680 of title 28 (relating to tort claims).

(2) Limitation on Liability.—The individual described in paragraph (1) that an individual’s employer shall be liable for any claim arising out of such training.

(b) Table of Contents.—The table of contents of this title, United States Code, is amended by inserting after the item relating to section 141 the following:

“114a. Training; emergency response providers.”

SEC. 3623. COMMISSIONED SERVICE RETIREMENT.

Section 291 of title 14, United States Code, is amended—

(1) by striking “in General.—before “Any regular” and inserting appropriately;

(2) in subsection (a), as designated—

(A) by inserting “of the Coast Guard” after “officer”;

(B) by striking “President” and inserting “Secretary”; and

(3) by adding at the end the following:

“(b) Technical and Conforming Amendments.—The Secretary may authorize the Commandant, through fiscal year 2019, to reduce the requirement under subsection (a) for at least ten years of commissioned service to a commissioned officer to a period of not less than eight years.”;

SEC. 3624. OFFICER PROMOTION ZONE.

Section 701(a) of title 14, United States Code, is amended by striking “six-tenths” and inserting “one-half”.

SEC. 3625. OFFICER EVALUATION REPORT.

(a) In General.—Not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall reduce the official grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) Board Survey.—The Commandant of the Coast Guard shall survey outgoing promotion board members and assignment officers to determine, at a minimum—

(1) which sections of the officer evaluation report board members consider the most useful;

(2) which sections of the officer evaluation report were least useful;

(3) how to better reflect high performers; and

(4) any recommendations for improving the officer evaluation report.

(c) Survey of Officers.—The Commandant of the Coast Guard shall conduct a survey on the officer evaluation report to—

(1) cover at least 10 percent of the officers from each grade of officers from O1 to O6; and

(2) determine how much time each member of the rating chain spends on that member’s portion of the officer evaluation report.

(d) Treatment of Reimbursement.—Any reimbursement for training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

(1) In General.—Not later than 5 years after the date of enactment of this Act, the Commandant of the Coast Guard shall revise the officer evaluation report, and providing corresponding directions, taking into account the requirements under paragraph (2).

(2) Requirements.—The Commandant shall—

(A) consider the findings of the surveys under subsection (b) and (c);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

(i) to minimize any impact to officer duties; and

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(e) Report.—

(1) In General.—Not later than 545 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report—

(A) on the findings of the survey under subsection (b); and

(B) on the findings of the survey under subsection (c).

(2) Format.—The report under paragraph (1) shall be formatted by each rank, type of command, and applicable.

SEC. 3626. REGULAR CAPTAINS; RETIREMENT.

Section 288(a) of title 14, United States Code, is amended—

(1) by striking “zone is” and inserting “zone is”;

(2) by striking “from being placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title, is”; and

(3) by striking “and” and inserting “or from being placed at the top of the list of selectees, as applicable”.

SEC. 3627. INCLUSION OF VESSEL FOR INVESTIGATION PURPOSES.

(a) In General.—Section 678 of title 14, United States Code, is amended by inserting “for vessel” after “aircraft” each place it appears.

(b) Technical and Conforming Amendments.—Chapter 17 of title 14, United States Code, is amended—

(1) in the table of contents of chapter 17, by inserting “for vessel” after “Air Traffic” each place it appears;

(2) in section 678, by inserting “for vessel” after “Air Traffic”.

SEC. 3628. LEAVE FOR THE BIRTH OR ADOPTION OF A CHILD.

Section 406 of title 14, United States Code, is amended—

(1) by striking “Not later than 1 year” and inserting the following:

“(a) In General.—Except as provided in subsection (b), not later than 1 year”;

(2) by adding at the end the following:

“(b) Leave Associated with the Birth or Adoption of a Child.—Notwithstanding section 701 of title 10 or any other provision of law, the Secretary of the department in which the Coast Guard is operating shall ensure that provides leave associated with the birth or adoption of a child to an officer or enlisted member of the Coast Guard permits, for no later than 1 year after the date of such birth or adoption and at the discretion of the Commanding Officer—

(i) to take such leave in increments; and

(ii) flexible work schedules (as defined in law promulgated by the Secretary) for that officer or member, as applicable, until all such leave is expended.”.

SEC. 3629. AVIATIONCADETS; APPOINTMENT AS RESERVE OFFICERS; CROSS REFERENCE.

Section 373(a) of title 14, United States Code, is amended by inserting “designated under section 373” after “commander”.

SEC. 3630. CLOTHING AT TIME OF DISCHARGE FOR GOOD OF SERVICE; REPEAL.

Section 382 of title 14, United States Code, and the item relating to that section in the table of contents of chapter 13 of that title, are repealed.

SEC. 3631. MULTIYEAR CONTRACTS.

The Secretary is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.

SEC. 3632. COAST GUARD ROTC PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the costs and benefits of creating a Coast Guard Reserve Officers’ Training Corps Program based on the other armed forces programs.

SEC. 3633. NATIONAL COAST GUARD MUSEUM.

(a) In General.—Section 6(b) of title 14, United States Code, is amended to read as follows:

“(b) Expenditures.—The Secretary shall use Federal operation and maintenance funds to procure and maintain a National Coast Guard Museum with non-appropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits and displays in which such artifacts are included.”.

SEC. 3634. POLAR ICEBREAKERS.

(a) Rolling Recapitalization Report for the Polar Star.—

(1) Requirement for Report.—The Secretary of the department in which the Coast Guard is operating, in consultation with National Sea Systems Command, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed report describing a plan to extend the service life of the Coast Guard Cutter POLAR STAR (WAGB-10) under a rolling recapitalization plan for up to 18 years.

(2) Content.—The report required by paragraph (1) shall include the following:

(A) Based upon a material condition assessment of the Coast Guard Cutter POLAR STAR (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the specific amount needed to be appropriated to complete the rolling recapitalization of the vessel;

(B) A plan to ensure the vessel will maintain seasonally operational status during the rolling recapitalization plan;

(b) Authorization of Appropriations.—The Commandant of the Coast Guard may
use funds made available pursuant to section 2702(2) of title 14, United States Code, as amended by section 3611 of this Act, for the rolling recapitalization described in the report required by subsection (b).".

SEC. 3633. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 2702(2) of title 14, United States Code, as amended by section 3611 of this Act, for the selection of a design for, and the construction of, an icebreaker that is at least as capable as the Coast Guard Cutter Mackinaw to enhance icebreaking capacity on the Great Lakes.

(b) INITIAL SURVEY AND DESIGN WORK.—The Commandant of the Coast Guard shall commence initial survey and design work associated with the acquisition of a new Coast Guard icebreaker that is at least as capable as the Coast Guard Cutter Mackinaw to enhance icebreaking capacity on the Great Lakes.

(c) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant is requested by the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition as completed;

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act of 2017 (Public Law 115–31) will be allocated to support the acquisition activities referred to in paragraph (1).

Subtitle C—Marine Safety

SEC. 3641. COAST GUARD ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Subtitle I of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 7—COAST GUARD ADVISORY COMMITTEES

"Sec. 701. Administration.

"701. Chemical Transportation Advisory Committee.


"703. Great Lakes Pilotage Advisory Committee.

"704. Lower Mississippi River Waterway Safety Advisory Committee.


"706. Merchant Marine Medical Advisory Committee.


"712. Towing Safety Advisory Committee.

"§ 701. Administration

"(a) EMPLOYEE STATUS.—A member of an advisory committee or advisory council established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee or council, except for the purposes of the following provisions of law:

"(1) Section 5703 of title 5 (relating to travel expenses).

"(2) Chapter 81 of title 5 (relating to compensation).

"(3) Chapter 171 of title 28 and any other Federal statute relating to tort liability.

"(4) If the member is a special Government employee—

"(A) chapter 73 of title 5;

"(B) sections 201, 202, 203, 205, 207, 208, and 209 of title 18;

"(C) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

"(D) any other provision of law relating to employee status, political activities, ethics, conflict of interest, and corruption that applies to a special Government employee.

"(b) COMPENSATION.—A member of an advisory committee or advisory council established under this chapter who is not otherwise a Federal employee shall not receive pay by reason of service on such committee or council.

"(c) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of an advisory committee or advisory council established under this chapter may serve on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

"§702. Chemical Transportation Advisory Committee

"(a) ESTABLISHMENT.—There is established a Chemical Transportation Advisory Committee (referred to in this section as the 'Committee').

"(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant’s designee), is authorized to advise, consult with, report to, and make recommendations to the Commandant (or the Commandant’s designee) on matters relating to the safe and secure marine transportation of hazardous materials.

"(c) ORGANIZATION.—

"(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Committee shall consist of not more than 25 members.

"(B) POINTS OF VIEW.—Each member of the Committee shall represent the point of view of 1 of the following entities or groups associated with marine transportation of hazardous materials:

"(i) Chemical manufacturing.

"(ii) Marine handling or transportation of chemicals.

"(iii) Vessel design and construction.

"(iv) Marine safety or security.

"(v) Marine environmental protection.

"(C) NEEDS OF THE COAST GUARD.—The Committee shall represent the needs of the Coast Guard.

"(D) RULE OF CONSTRUCTION.—Notwithstanding subsection (b), this subsection nor any other provision of law or policy shall be construed to require an equal distribution of members representing specific points of view among the membership of the Committee.

"(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a representative of the member’s respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

"(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

"(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

"(B) APPOINTMENTS.—

"(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

"(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

"(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

"(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

"(5) TERM; VACANCY.

"(A) TERM.—

"(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year following the effective date of the appointment.

"(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant’s designee) may extend the term of a member of the Committee to December 31 of the fifth full year following the effective date of the appointment.

"(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

"(C) CHAIRPERSON; VICE CHAIRPERSON.—

"(1) IN GENERAL.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant’s designee) and for a term to be fixed by the Commandant (or the Commandant’s designee).

"(2) RECOMMENDATIONS.—The Commandant (or the Commandant’s designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

"(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence of incapacity of, or in the event of a vacancy in the office of, the Chairperson.

"(D) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant’s designee) may designate a Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

"(4) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

"(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

"(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

"§703. Commercial Fishing Safety Advisory Committee

"(a) ESTABLISHMENT.—There is established a Commercial Fishing Safety Advisory Committee (referred to in this section as the 'Committee').

"(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant’s designee) shall—

"(1) shall advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training.

"(2) shall review proposed regulations promulgated pursuant to chapter 45 of this title; any such regulations promulgated by the Secretary shall be subject to the procedures described in paragraph (1) to the Secretary in writing;

"(4) may submit any recommendations described in paragraph (3) to the Secretary;
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ship on the Committee.

202(a) of title 18).

the Secretary may appoint to represent the
ernment employee (as defined in section
ative of the member's respective special inter-
graph (2)(C), is hereby deemed a representa-
of view of an entity or group under para-
the Secretary appoints to represent a point

(i) 10 members representing the com-
mercial fishing industry who—

(l) reflect a regional and representational
balance; and

(II) have experience in the operation of
vessels to which chapter 45 of this title ap-
plies as a member or processing line
worker on a fish processing vessel.

(ii) 1 member representing naval archi-
itects and marine engineers.

(iii) 1 member representing manufac-
turers of equipment for vessels to which
chapter 45 of this title applies.

(iv) 1 member representing education or
training professionals related to fishing ves-
sel, fish processing vessel, or fish tender ves-
sel safety or personnel qualifications.

(v) 1 member representing underwriters
that insure vessels to which chapter 45 of
this title applies.

(vi) 1 member representing owners of
vessels to which chapter 45 of this title applies.

(6) EXCEPTION.—

(i) In General.—Subject to clause (ii), 3
members of the Committee shall represent the
general public.

(ii) Experience.—Whenever possible, a
member who represents the general public
shall be either:

(I) an independent expert or consultant in
matters of maritime safety;

(II) a marine surveyor who provides ser-
dices to vessels to which chapter 45 of this
title applies;

(III) a person familiar with issues affect-
ing fishing communities and families of fish-
ermen.

(3) STATUTORY MEMBERS.—For the pur-
poses of Federal law, including the Ethics in
Government Act of 1978 and chapter 11 of
title 18—

(A) a member of the Committee, whom
the Secretary appoints to represent a point
of view of an entity or group under para-
graph (2)(C), is hereby deemed a representa-
tive of the member’s respective special inter-
est entity or group, and not a special Gov-
ernment employee (as defined in section
202(a) of title 18); and

(B) a member of the Committee, whom
the Secretary may appoint to represent the
general public, is hereby deemed a special
Government employee (as defined in section
202(a) of title 18).

(4) NOMINATIONS; APPOINTMENTS; serv-
cice.—

(A) NOMINATIONS.—As necessary, the Sec-
retary shall publish, in the Federal Register,
a notice soliciting nominations for member-
ship on the Committee.

(B) APPOINTMENTS.—

(i) In General.—After timely notice
is published, the Secretary shall, as necessary,
appoint members to the Committee.

(ii) LIMITATIONS.—The Secretary may not
seek, consider, or otherwise use information
concerning the political affiliation of a
nominee in making an appointment to the
Committee.

(iii) REAPPOINTMENTS.—The Secretary
may reappoint a member to the Committee
more than once.

(iv) TERM.—

(A) In General.—The term of each mem-
ber of the Committee shall expire on Decem-
ber 31 of the second full year after the effec-
tive date of the appointment.

(B) EXTENSIONS.—Notwithstanding claus-
e (i), paragraphs (2)(B) and (C) of title 18 law or policy, the Commandant (or the
Commandant’s designee) may extend the term
of a member of the Committee to December 31 of the fifth full year after the effective date
of the appointment.

(C) VACANCY.—In the case of an appoint-
ment to fill a vacancy on the Committee, the
Secretary shall appoint an individual for a
full term.

(6) CHAIRPERSON; VICE CHAIRPERSON.—

(A) In General.—The Committee shall
elect a Chairperson and a Vice Chairperson
from among its members.

(B) RECOMMENDATIONS.—The Com-
mandant (or the Commandant’s designee)
can solicit, and, if a recommendation is
made by the Committee, the Commandant
may extend the term of any member of the
Committee to fill a vacancy on the Committee, the
Commandant (or the Commandant’s designee) may extend the term of any member of the
Committee to fill a vacancy on the Committee.

(C) VACANCY.—If a member of the Com-
mittee is unable or incapacitated to serve, the
Chairperson and the Vice Chairperson
shall act as Chairperson in the absence or in-
capacity of, or in the event of a vacancy in the
office of, the Chairperson.

(D) DESIGNATED FEDERAL OFFICER.—

The Commandant (or the Commandant’s
designee) shall designate a Designated Federal
Officer to the Committee in accordance with
the Federal Advisory Committee Act (5 U.S.C. App.).

(E) CONSULTATION.—The Commandant (or
the Commandant’s designee) shall, whenever
practicable—

(1) consult with the Committee before
taking any significant action relating to the
safe operation of vessels to which chapter 45 of
this title applies;

(2) consider the information, advice, and
recommendations of the Committee in con-
sulting with other agencies and the public or in
formulating policy regarding the safe op-
eration of vessels to which chapter 45 of
this title applies;

(3) make all recommendations made by
the Committee in paragraph (b) public and
available for comment within 30 days of re-
ceiving the recommendation from the Com-
mittee;

(4) respond in writing to all public com-
ments regarding recommendations made by
the Committee in paragraph (b); and

(5) respond in writing to any rec-
ommendations or resolutions made by the
Chairperson and (b) and provide rea-
soning for acceptation or rejection to all rec-
ommendations within 60 days of receiving
the recommendation, and

(6) make all responses in paragraph (5)
available to the Congress and the public at
the time the response is transmitted.

(F) FEDERAL ADVISORY COMMITTEE ACT:

(1) FACA.—The Federal Advisory Com-
mittee Act (5 U.S.C. App.) shall apply to the
Committee.

(2) TERMINATION.—The Committee
shall terminate on September 30, 2027.

§ 704. Great Lakes Pilotage Advisory Com-
mittee

(a) ESTABLISHMENT.—

(1) In General.—The Secretary shall es-

(2) Duties.—The Committee

(A) may review proposed Great Lakes pi-
lotage regulations and policies and make
recommendations to the Secretary that the
Committee considers appropriate;

(B) may advise, consult with, report to,
and make recommendations to the Secretary
on matters relating to Great Lakes pilotage;

(C) may make available to the Congress
recommendations that the Committee
makes to the Secretary.

(2) TERMINATION.—The term of each
member is for a period of not more than 5 years, speci-
fied by the Secretary.

(3) REPRESENTATION.—The members of
the Committee shall include—

(A) 1 member representing the Inter-
ests of persons who operate vessels on the
Great Lakes pilotage districts, or the President’s
representative;

(B) 1 member representing the Inter-
ests of vessel operators that contract for Great
Lakes pilotage services;

(C) 1 member representing the Inter-
ests of Great Lakes ports;

(D) 1 member representing the Inter-
ests of shippers whose cargoes are transported
through Great Lakes ports; and

(E) a member with a background in fi-
nance or accounting, who—

(i) must have been recommended to the
Secretary by a unanimous vote of the other
members of the Committee, and

(ii) may be appointed without regard to
requirement in paragraph (1) that each
member have 5 years of practical experience
in maritime operations.

(1) CHAIRPERSON; VICE CHAIRPERSON.—
The Secretary may appoint 1 of its members
as the Chairperson and 1 of its members as the
Vice Chairperson. The Chairperson and the Vice
Chairperson shall act as Chairperson in the absence or in-
capacity of, or in the event of a vacancy in the
office of, the Chairperson.

(2) OBSERVER.—The Secretary shall, and
any other interested agency may, designate a
representative to participate as an ob-
server with the Committee. The Secretary’s
designee shall represent the executive secretary of the Committee and shall perform the duties set forth in section 10(c)
of the Federal Advisory Committee Act (5 U.S.C. App.).

(3) COMPENSATION.—Notwithstanding
section 701, a member of the Committee,
when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

(a) compensation at a rate fixed by the Secretary, not to exceed the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

(B) per diem, transportation expenses under section 5703 of title 5.

(2) EMPLOYEE STATUS.—Notwithstanding section 701, a member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(f) FEDERAL ADVISORY COMMITTEE ACT: TERMINATION.—

(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2020.

(2) RENewed.—2 years before the termination date specified in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

§ 705. Lower Mississippi River Waterway Safety Advisory Committee

(a) Establishment.—There is established a Lower Mississippi River Waterway Safety Advisory Committee (referred to in this section as the "Committee").

(b) Function.—The Committee, acting through the Commandant (or the Commandant’s designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to communication, surveillance, traffic management, anchorages, development, and operation of New Orleans Vessel Traffic Services, and other related topics dealing with and actions relating to navigation, safety on the Lower Mississippi River.

(c) Organization.—

(1) Meeting.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

(2) Membership.—

(A) In general.—The Committee shall consist of 25 members.

(B) Experience.—Each member of the Committee shall have expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways, including the Gulf of Mexico.

(C) Points of View.—Except as provided in subparagraph (D), each member of the Committee shall represent the point of view of an entity or group, as follows:

(i) 5 members representing River Port Authorities between Baton Rouge, Louisiana, and the head of passes of the Lower Mississippi River, of which—

(I) 1 member shall be from the Port of St. Bernard; and

(ii) 1 member from the Port of Plaquemines;

(ii) 2 members representing vessel owners or ship owners domiciled in the State of Louisiana;

(iii) 2 members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee;

(iv) 2 members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee;

(v) 1 member representing State Commissioned Pilot organizations, with 1 member each representing—

(1) the New Orleans-Baton Rouge Steamship Pilots Association;

(2) the Crescent River Port Pilots Association; and

(3) the Association Branch Pilots.

(vi) 3 members representing consumers, shippers, or importers and exporters that utilize vessels which utilize the navigable waterways in the geographical area covered by the Committee.

(vii) 2 members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize the navigable waterways covered by the Committee.

(viii) 1 member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

(ix) 1 member representing an environmental organization.

(3) Additional Members.

(1) In general.—4 members of the Committee shall represent the general public.

(2) Water Transportation Facilities.—Whenever possible, 2 of the 4 members who represent the general public shall be individuals who utilize water transportation facilities located in the geographic area that the Committee covers.

(3) Status of Members.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

(A) each member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C) hereof, hereby designates a representative of the member’s respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

(B) each member of the Committee, whom the Secretary appoints to represent the general public, is deemed a special Government employee (as defined in section 202(a) of title 18).

(4) Nominations; Appointments; Service.

(A) Nominations.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

(B) Appointments.—

(i) In general.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

(ii) Limitation.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

(3) Reappointment.—The Secretary may reappoint a member to the Committee more than once.

(C) Service.—Each member of the Committee shall serve at the pleasure of the Secretary.

(D) Term; Vacancy.

(A) Term.—

(i) In general.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

(ii) Extension.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant’s designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

(B) Vacancy.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

(2) Chairperson; Vice Chairperson.

(A) In general.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant’s designee) and for a term to be determined by the Commandant (or the Commandant’s designee).

(B) Recommendations.—The Commandant (or the Commandant’s designee) shall, on receipt, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

(C) Vacancy.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

(3) Designated Federal Officer.—The Commandant (or the Commandant’s designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(d) Consultation.—The Commandant (or the Commandant’s designee) shall, whenever practicable, consult with the Committee before taking any significant action relating to communication, surveillance, traffic management, anchorages, transportation facilities located in the geographic area that the Committee covers.

(e) Federal Advisory Committee Act; Termination.

(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) Term:—The Committee shall terminate on September 30, 2027.

§ 706. Merchant Marine Personnel Advisory Committee

(a) Establishment.—There is established a Merchant Marine Personnel Advisory Committee (referred to in this section as the 'Committee').

(b) Function.—The Committee, acting through the Commandant (or the Commandant’s designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards.

(c) Meeting.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

(2) Points of View.—Except as provided in subparagraph (C), each member of the Committee shall represent the point of view of an entity or group, as follows:

(A) 9 members representing the interests of mariners—

(i) each of whom—

(I) shall be a citizen of the United States; and

(II) shall hold an active license or certificate issued under chapter 71 of this title or a valid merchant mariner document issued under chapter 73 of this title; and

(ii) among whom shall be—

(I) 3 deck officers representing the interests of merchant marine deck officers, of whom—

(a) 2 shall be licensed for oceans any gross tons; from whom 1 shall be licensed for inland river route with a limited or unlimited tonnage; and

(bb) 1 shall have a master’s license or a master of towing vessels license;

(II) 1 shall have significant tanker experience; and

(III) to the extent practicable—

(AA) 1 shall represent the interests of labor; and

(BB) 1 shall represent the interests of management;
“(I) 3 engineering officers representing the interests of merchant marine engineering officers, of whom—

(aa) 2 shall be licensed as chief engineer or an equivalent designated engineering officer; and

(bb) 1 shall be licensed as either a limited engineering officer or a designated engineering officer; and

(cc) to the extent practicable—

(AA) 1 shall represent the interests of labor; and

(BB) 1 shall represent the interests of management;

(II) 2 unlicensed seamen, of whom—

(aa) 1 shall represent the interests of abele-hand or seacook; and

(bb) 1 shall represent the interests of qualified members of the engine department; and

(IV) 1 pilot representing the interests of merchant marine pilots.

(B) 6 members representing the interests of marine educators—

(i) each of whom shall be a marine educator; and

(ii) among whom shall be—

(I) 3 marine educators who shall represent the interests of maritime academies, including—

(aa) 2 who shall represent the interests of State maritime academies; and

(bb) 1 who shall represent either the viewpoint of the State maritime academies or the United States Merchant Marine Academy; and

(II) 3 marine educators who shall represent the interests of other maritime training institutions, 1 of whom shall represent the interests of the small vessel industry.

(C) 2 members representing the interests of shipping companies employed in ship operation management.

(D) 2 members of the Committee shall represent the general public.

(3) STATUS OF MEMBERS.—

(A) IN GENERAL.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 5, each member of the Committee representing the interests of the United States Merchant Marine Academy, the Secretary shall appoint an individual for a term to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

(B) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant’s designee) and for a term to be fixed by the Commandant (or the Commandant’s designee).

(B) RECOMMENDATIONS.—The Commandant (or the Commandant’s designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

(C) VACANCY.—The Vice Chairperson shall act as the Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

(D) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(E) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

(1) PAGA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(2) TERMINATION.—The Committee shall terminate on December 31, 2022.

§707, Merchant Mariner Medical Advisory Committee

(A) ESTABLISHMENT.—There is established a Merchant Mariner Medical Advisory Committee (referred to in this section as the ‘Committee’).

(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant’s designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to—

(1) medical certification determinations of merchant mariners;

(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels; and

(3) medical examiner education; and

(4) medical research.

(c) ORGANIZATION.—

(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee) to each State maritime academy or a joint nomination from some or all State maritime academies; and

(ii) with regard to the appointment of a member of the Committee representing the interests of the United States Merchant Marine Academy, solicit a nomination for membership on the Committee from the Secretary of Transportation.

(D) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

(E) TERM; VACANCY.—

(A) TERM.—

(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant’s designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

(F) APPOINTMENTS.—

(A) IN GENERAL.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant’s designee) and for a term to be fixed by the Commandant (or the Commandant’s designee).

(B) RECOMMENDATIONS.—The Commandant (or the Commandant’s designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

(C) VACANCY.—The Vice Chairperson shall act as the Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

(D) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant’s designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).
(7) Designated Federal Officer.—The Commandant (or the Commandant’s designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

(d) Federal Advisory Committee Act; Termination.—

(i) In general.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

(ii) Termination.—The Committee shall terminate on September 30, 2027.

§708. National Boating Safety Advisory Committee

(a) Establishment.—There is established a National Boating Safety Advisory Council (referred to in this section as the ‘Council’).

(b) Organization.—

(i) Meeting.—The Council shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

(ii) Membership.—

(A) In general.—The Council shall consist of 21 members.

(B) Experience.—Each member of the Council shall have particular expertise, knowledge, and experience in recreational boating safety.

(C) Points of View.—Except as provided in subparagraph (D), each member of the Council shall represent the point of view of an entity or group, as follows:

(i) 7 members representing State officials responsible for State boating safety programs.

(ii) 7 members representing manufacturers, wholesalers, distributors, or retail distributors of recreational vessels or associated equipment.

(iii) At least 5 members representing national recreational boating organizations.

(D) Additional Members.—Not more than 2 members of the Council may represent the general public.

(E) Panels.—Additional individuals from an entity or group set out in subparagraph (C) may be appointed to panels of the Council to assist the Council in performing its duties.

(f) Status of Members.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

(A) member of the Council, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member’s respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

(B) Nominations; Appointments; Service.—

(A) Nominations.—As necessary, the Secretary shall publish in the Federal Register, a notice soliciting nominations for membership on the Council.

(B) Appointments.—

(i) In general.—After timely notice is published, the Secretary shall appoint members to the Committee.

(ii) Limitations.—The Secretary may not appoint more than 4 members, each representing an entity or group, the point of view of which or the area of expertise of which the Commandant (or the Commandant’s designee) determines would aid the Committee’s deliberations.

(C) Service.—Each member of the Committee shall serve at the pleasure of the Secretary.

(D) Background Examinations.—The Secretary shall ensure that each member of the Committee undergoes and passes a background security examination before appointment to the Committee.

(E) Vacancies.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

(F) Chairperson; Vice Chairperson.—

(A) In general.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Council as the Chairperson and another member of the Council as the Vice Chairperson.

(B) Vacancy.—In the case of an appointment to fill a vacancy on the Council, the Secretary shall appoint an individual for a full term.

§709. National Maritime Security Advisory Committee

(a) Establishment.—There is established a National Maritime Security Advisory Committee (referred to in this section as the ‘Committee’).

(b) Function.—The Committee, acting through the Commandant (or the Commandant’s designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to national maritime security.

(c) Organization.—

(i) Meeting.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

(ii) Membership.—

(A) In general.—The Committee shall consist of not less than 8 members, but not more than 21 members.

(B) Experience.—Each member of the Committee shall have prior knowledge or practical experience in maritime security operations.

(c) Points of View.—Each member of the Committee shall represent the point of view of an entity or group, as follows:

(i) At least 1 member representing the port authorities.

(ii) At least 1 member representing the facilities owners or operators.

(iii) At least 1 member representing the terminal owners or operators.

(iv) At least 1 member representing vessel owners or operators.

(v) At least 1 member representing the maritime labor organizations.

(vi) At least 1 member representing the academic community.

(vii) At least 1 member representing State or local governments.

(viii) At least 1 member representing the maritime industry.

(f) Nominations; Appointments; Service.—

(A) Nominations.—As necessary, the Secretary shall publish in the Federal Register, a notice soliciting nominations for membership on the Committee.

(B) Appointments.—

(i) In General.—After timely notice is published, the Secretary shall appoint members to the Committee.

(ii) Limitations.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of an individual in making an appointment to the Committee.

(C) Reappointments.—The Secretary may reappoint a member to the Committee more than once.

(D) Service.—Each member of the Committee shall serve at the pleasure of the Secretary.

(E) Background Examinations.—The Secretary may require an individual to have successfully passed an appropriate security background examination before appointment to the Committee.

(F) Vacancies.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

(G) Chairperson; Vice Chairperson.—

(A) In general.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Council as the Chairperson and another member of the Council as the Vice Chairperson.
\textbf{\textit{711. National Offshore Safety Advisory Committee}}

\textbf{\textit{(a) Establishment.}}—There is established a National Offshore Safety Advisory Committee (referred to in this section as the 'Committee').

\textbf{\textit{(b) Function.}}—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary of Commerce relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources insofar as such activities relate to matters within Coast Guard jurisdiction.

\textbf{\textit{(c) Organization.}}—

\textbf{\textit{1. Meeting.}}—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

\textbf{\textit{2. Membership.}}—

\textbf{\textit{A. In General.}}—The Committee shall consist of 15 members.

\textbf{\textit{B. Points of View.}}—Except as provided in subsection (C), each member of the Committee shall represent the point of view of an entity or group, as follows:

\textbf{\textit{1. Members Representing Companies or Organizations.}}

\textbf{\textit{2. Members Representing Organizations, Enterprises, or Similar Entities Engaged in the Production of Petroleum.}}

\textbf{\textit{3. Members Representing Companies, Organizations, Enterprises, or Similar Entities Engaged in the Support, by Offshore Supply Vessels or Other Vessels, of Offshore Operations.}}

\textbf{\textit{4. Member Representing a Company, Organization, Enterprise or Similar Entity Engaged in the Construction of Offshore Facilities.}}

\textbf{\textit{5. Member Representing a Company, Organization, Enterprise or Similar Entity Providing Dividing Services to the Offshore Industry.}}

\textbf{\textit{6. Member Representing a Company, Organization, Enterprise or Similar Entity Providing Safety and Training Services to the Offshore Industry.}}

\textbf{\textit{7. Member Representing a Company, Organization, Enterprise or Similar Entity Providing Safety or Response Services to the Offshore Industry.}}

\textbf{\textit{8. Members Representing Employees of Companies, Organizations, Enterprises or Similar Entities Engaged in Offshore Operations, 1 of Whom Should Have Recent Practical Experience on Vessels or Units Involved in the Field.}}

\textbf{\textit{9. Member Representing a Company, Organization, Enterprise or Similar Entity Providing Environmental Protection, Compliance or Response Services to the Offshore Industry.}}

\textbf{\textit{10. Member Representing a Company, Organization, Enterprise or Similar Entity Engaged in Offshore Oil Exploration or Production on the Outer Continental Shelf of Alaska.}}

\textbf{\textit{11. Additional Member.}}—1 member of the Committee shall represent the general public.

\textbf{\textit{(d) Status of Members.}}—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18:

\textbf{\textit{1. A member of the Committee, whom the Secretary designates to represent the point of view of an entity or group set out in paragraph (2)(B), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 5).}}

\textbf{\textit{2. Nominations; Appointments; Service.}}—

\textbf{\textit{A. Nominations.}}—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

\textbf{\textit{B. Appointments.}}—

\textbf{\textit{1. In General.}}—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

\textbf{\textit{2. Reappointments.}}—The Secretary may reappoint a member to the Committee more than once.

\textbf{\textit{C. Service.}}—Each member of the Committee shall serve at the pleasure of the Secretary.

\textbf{\textit{(e) Term; Vacancy.}}—

\textbf{\textit{A. Term.}}—

\textbf{\textit{1. In General.}}—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

\textbf{\textit{2. Extensions.}}—Notwithstanding clause (i) of paragraph (4), or any other provision of law, any member of the Committee (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

\textbf{\textit{3. Vacancy.}}—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

\textbf{\textit{6. Chairperson; Vice Chairperson.}}—

\textbf{\textit{A. In General.}}—The Commandant (or the Commandant's designee) shall designate one of the members of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

\textbf{\textit{B. Recommendations.}}—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members of the Committee (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

\textbf{\textit{C. Vacancy.}}—The Vice Chairperson shall act in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.
“(ii) EXTENSIONS.—Notwithstanding clause (1), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant’s designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

“(iii) REAPPOINTMENTS.—In the case of an appointee with regard to the members whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

“(6) CHAIRPERSON; VICE CHAIRPERSON.

“(A) In general.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Committee as the Chairperson and another member of the Council as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant’s designee) and for a term to be fixed by the Commandant (or the Commandant’s designee).

“(B) RECOMMENDATIONS.—The Commandant (or the Commandant’s designee) may solicit, from the Committee, recommendations regarding the members to whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

“(7) VACANCY.—The Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

“(8) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant’s designee) shall designate a Designated Federal Officer to the Council in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

“(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION—

“(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

“(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

§ 712. Towing Safety Advisory Committee

“(a) ESTABLISHMENT.—There is established a Towing Safety Advisory Committee (referred to in this section as the “Committee”).

“(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant’s designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

“(c) ORGANIZATION.—

“(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Committee shall consist of 18 members.

“(B) EXPERIENCE.—Each member of the Committee shall have particular expertise, knowledge, and experience regarding—

“(i) shallow-draft inland navigation, coastal waterway navigation, and towing safety.

“(ii) towing safety.

“(B) POINTS OF VIEW.—Except as provided in subparagraph (B), each member of the Committee shall represent the point of view of an entity or group, as follows:

“(i) 7 members representing the barge and towing industry, reflecting a regional geographic balance.

“(ii) 1 member representing Masters of towing vessels who have experience on the Western Rivers and the Gulf Intra-Coastal Waterway.

“(iii) 1 member representing Masters of towing vessels who have experience on the offshore service.

“(iv) 1 member representing Masters of towing vessels who have experience in harbor-assist operations.

“(v) 1 member representing towing vessel engineers.

“(vii) 2 members representing port districts, authorities, or terminal operators.

“(viii) 1 member representing shippers.

“(ix) 1 member representing towing operators who are engaged in the chartering or shipping of oil or hazardous materials by barge.

“(D) ADDITIONAL MEMBERS.—2 members of the Committee shall represent the general public.

“(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 5,

“(A) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member’s respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

“(B) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

“(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

“(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

“(B) APPOINTMENTS.—

“(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

“(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of an individual in making an appointment to the Committee.

“(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

“(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

“(6) TERM; VACANCY.

“(A) TERM.—

“(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the year after the effective date of the appointment.

“(ii) EXTENSIONS.—Notwithstanding clause (1), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant’s designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

“(iii) VACANCY.—In the case of an appointee to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

“(6) CHAIRPERSON; VICE CHAIRPERSON.

“(A) IN GENERAL.—The Commandant (or the Commandant’s designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant’s designee) and for a term to be fixed by the Commandant (or the Commandant’s designee).

“(B) APPOINTMENTS.—The Commandant (or the Commandant’s designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant’s designee) shall designate as the Chairperson and the Vice Chairperson.

“(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

“(D) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION—

“(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

“(2) TERMINATION.—The Committee shall terminate on September 30, 2027.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS—

“(1) TABLE OF CHAPTERS.—The table of chapters for subtitle I of title 46, United States Code, is amended by adding at the end the following:

“7. Coast Guard advisory committees 701.”

“(2) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE—

“(A) REPEAL.—Section 4508 of title 46, United States Code, is repealed.

“(B) TABLE OF CONTENTS.—The table of contents of chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508.

“(3) GREAT LAKES PILOTAGE ADVISORY COMMITTEE—

“(A) REPEAL.—Section 9307 of title 46, United States Code, is repealed.

“(B) TABLE OF CONTENTS.—The table of contents of chapter 93 of title 46, United States Code, is amended by striking the item relating to section 9307.

“(4) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2215) is repealed.

“(5) MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE—

“(A) REPEAL.—Section 8108 of title 46, United States Code, is repealed.

“(B) TABLE OF CONTENTS.—The table of contents of chapter 81 of title 46, United States Code, is amended by striking the item relating to section 8108.

“(6) NATIONAL MARITIME MEDICAL ADVISORY COMMITTEE—

“(A) REPEAL.—Section 7115 of title 46, United States Code, is repealed.

“(B) TABLE OF CONTENTS.—The table of contents of chapter 71 of title 46, United States Code, is amended by striking the item relating to section 7115.

“(7) NATIONAL BOATING SAFETY ADVISORY COUNCIL—

“(A) REPEAL.—Section 13110 of title 46, United States Code, is repealed.

“(B) TABLE OF CONTENTS.—The table of contents of chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13110.

“(C) FEDERAL ADVISORY COMMITTEE ACT; AMENDMENT.—Section 4302(c)(4) of title 46, United States Code, is amended by striking “13110” and inserting “708”.

“(D) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—Section 109(a)(1) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended by striking “section 709 of title 46, United States Code, as amended by this Act” and inserting “section 709 of title 46, United States Code”.
(9) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is repealed.

(10) TOWING SAFETY ADVISORY COMMITTEE.—The Act establishing the Towing Safety Advisory Committee in the Department of Transportation, approved October 6, 1980, (33 U.S.C. 1231a) is repealed.

(c) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 7012 of title 46, United States Code, is amended—

(A) by striking—

"(a) ESTABLISHMENT OF COMMITTEES.—

(1) The Secretary may—

(A) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

(B) request an Area Maritime Security Committee to review the proposed Area Maritime Transportation Security Plan developed under section 7010(b) and make recommendations to the Secretary on matters relating to maritime security in that area;

"(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(C) shall meet at the call of—

"(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(ii) a majority of the Committee;"

(C) in subsection (b)—

(i) by striking—

"of the committees" and inserting "Area Maritime Security Advisory Committee";

(ii) in paragraph (3), by striking —

"(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;"

and

(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(C) shall meet at the call of—"

and inserting —

"(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(ii) a majority of the Committee;"

"(D) in subsection (c)(1), by striking—

"such a committee" and inserting "an Area Maritime Security Advisory Committee";

"(E) in paragraph (3)—

(i) by striking—

"such a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) in paragraph (4), by striking—

"the Committee" and inserting "an Area Maritime Security Advisory Committee"; and

"(iv) in paragraph (5)—

"subparagraph (A) and (B)" and inserting —

"(A) by striking paragraph (4); and

(B) by striking paragraph (5);"

(D) in subsection (c), by striking—

"such a committee" and inserting "an Area Maritime Security Advisory Committee";

(E) in paragraph (3)—

(ii) by striking subsection (d); and

(F) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(G) in subsection (d), as redesignated—

(i) by striking—

"the committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) by striking the period at the end and inserting "for an area;"

(H) in subsection (e), as redesignated—

(i) in paragraph (1), by striking—

"a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) in paragraph (2), by striking —

"a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(I) by redesigning subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(2) Each Area Maritime Security Advisory Committee—

"(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;"

and

(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(C) shall meet at the call of—"

and inserting —

"(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(ii) a majority of the Committee;"

"(D) in subsection (c)—

(i) by striking—

"such a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) in paragraph (3)—

"(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;"

and

(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(C) shall meet at the call of—"

and inserting —

"(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(ii) a majority of the Committee;"

(C) in subsection (b)—

(i) by striking—

"of the committees" and inserting "Area Maritime Security Advisory Committee";

(ii) in paragraph (3), by striking —

"(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;"

and

(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(C) shall meet at the call of—"

and inserting —

"(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(ii) a majority of the Committee;"

"(D) in subsection (c)—

(i) by striking—

"such a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) in paragraph (3)—

"(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;"

and

(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

"(C) shall meet at the call of—"

and inserting —

"(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

"(ii) a majority of the Committee;"

"(E) by striking subsection (d); and

"(F) in subsection (e), as redesignated—

(i) in paragraph (1), by striking—

"a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) in paragraph (2), by striking—

"a committee" and inserting "an Area Maritime Security Advisory Committee"; and

"(G) in subsection (d), as redesignated—

(i) by striking—

"the committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) by striking the period at the end and inserting "for an area;"

(H) in subsection (e), as redesignated—

(i) in paragraph (1), by striking—

"a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(ii) in paragraph (2), by striking —

"a committee" and inserting "an Area Maritime Security Advisory Committee"; and

(I) by redesigning subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(3) The Act to establish a Towing Safety Advisory Committee, approved October 6, 1980, (33 U.S.C. 1231a) is repealed.

(f) MERCHANT MARINER DOCUMENTS.—

SECTION 3642. CLARIFICATION OF LOGBOOK AND ENTRY REQUIREMENTS.

Section 4508 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or a ferry, passenger vessel, or small passenger vessel (as those terms are defined in section 2101)" after "Canada"; and

(B) by inserting "or a ferry, passenger vessel, or small passenger vessel (as those terms are defined in section 2101)" after "Canada"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "log book" and inserting "log book"; and

(B) by amending paragraph (3) to read as follows—

"(3) Each illness or injury, the nature of the illness or injury, and any medical treatment administered."

SEC. 3643. TECHNICAL AMENDMENTS; LICENSES, CERTIFICATIONS OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Part E of title II of title 46, United States Code, is amended—

(1) in section 710(b), by striking—

"(1) FACA.—The Federal Advisory Committee Act, 5 U.S.C. App., does not apply to

Area Maritime Security Advisory Committees established under this section.

"(2) Termination.—The Area Maritime Security Advisory Committees shall terminate on September 30, 2007.

"(d) Table of Contents.—The table of contents of chapter 701 of title 46, United States Code, is amended to read as follows:

"(7) Each illness or injury, the nature of the illness or injury, and any medical treatment administered."

SEC. 3644. NUMBERING FOR UNDOCUMENTED BARGES.

Chapter 121 of title 46, United States Code, is amended—

(1) in section 12102—

(A) in subsection (c), by adding at the end the following:--The Secretary may require such an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.; and

(B) in subsection (d), by striking "Secretary of Transportation" and inserting "Secretary of the department in which the Coast Guard is operating."; and

(2) in section 12301—

(A) by striking subsection (b); and

(B) by striking the subsection designation in subsection (a) and indenting appropriately.

SEC. 3645. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL Flotation DEVICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall revise section 333 of title 33, Code of Federal Regulations, to exempt paddleboards and rafts from the requirement for carriage of an additional throwable personal flotation device if each person is required to wear a personal flotation device while under way and at least 1 rescue throw bag, as typically used in whitewater rafting, is on board.

SEC. 3646. ENSURING MARITIME COVERAGE.

In order to meet Coast Guard mission requirements for search and rescue, all-hazard incident response, and environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

SEC. 3647. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4508(d) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking—

"After January 1, 2009," and inserting —

"After January 1, 2009,"; and

(2) in paragraph (3), by striking the Secretary, if" and inserting —

"Subject to paragraph (3), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to

"(3) Each illness or injury, the nature of the illness or injury, and any medical treatment administered."
which section 4502(b) of this title applies shall comply with the alternate safety compliance program if"; (2) in paragraph (2), by striking "establishes separate an alternate safety compliance program, shall comply with such an
alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary and inserting "prescribes an
alternate safety compliance program under paragraph (1), shall comply with the alternate
safety compliance program"; and (3) by amending paragraph (3) to read as follows:

"(3) For purposes of paragraph (1), a separate safety compliance program may be developed for a specific region or specific fishery.".

(b) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the alternate to classing under section 4306 of title 46, United States Code, as amended by subsection (a) of this section.

SEC. 3648. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

(a) NONAPPLICATION.—Section 4503(c)(2)(A) of title 46, United States Code, is amended by striking "79" and inserting "180".

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503 of title 46, United States Code, is amended—

(1) by redesigning subsection (g) as subsection (h); and (2) by inserting after subsection (f) the following:

"(g) For purposes of this section, a keel is laid when a structure, adequate of serving as a keel, is sufficiently above the water surface so that the keel is not submerged and is so identified for use in the construction of a specific vessel and is so affirmed by a marine surveyor.".

SEC. 3649. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL AMENDMENT.

Section 4505 of title 46, United States Code, is amended by striking "4503(b)" and inserting "4503(b)".

SEC. 3650. INSTALLATION AND USE OF ENGINE CUT-OFF SWITCHES ON RECREATIONAL VESSELS.

(a) USE OF ENGINE CUT-OFF SWITCH LINKS.—(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall require that a person operating a vessel greater than 70 feet in length identified for use in the construction of a specific vessel and is so affirmed by a marine surveyor shall comply with the performance standard for engine cut-off switch links prescribed under this section.

(b) APPLICATION FOR RENEWAL.—The Secretary of the department in which the Coast Guard is operating shall require the person operating a vessel greater than 70 feet in length identified for use in the construction of a specific vessel and is so affirmed by a marine surveyor shall comply with the performance standard for engine cut-off switch links prescribed under this section.

(c) PENALTY.—A person that violates a regulation promulgated under subsection (a) shall be subject to a civil penalty of not to exceed—

(1) $50 for the first offense; (2) $250 for the second offense; and (3) $500 for any subsequent offense.

(d) PREEMPTION.—In accordance with section 4502 of title 46, United States Code, a State may not establish, continue in effect, or enforce any law or regulation addressing engine cut-off switch requirements that is not identical to a regulation prescribed under this section.

(e) DEFINITIONS.—In this section:

"(1) ENGINE CUT-OFF SWITCH.—The term "engine cut-off switch" means a mechanical or electronic device that is connected to propulsion machinery that will stop propulsion.

"(2) ENGINE CUT-OFF SWITCH LINK.—The term "engine cut-off switch link" means the equipment attached to the recreational vessel operator and activates the engine cut-off switch.

"(3) EFFECTIVE DATES.—A regulation prescribed under this section shall specify an effective date that is not earlier than 1 year from the date the regulation was published.

SEC. 3651. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) In General.—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals andmandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) REQUIREMENT.—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the standard.

(c) PENALTY.—A person that violates a regulation prescribed under this section shall be subject to a civil penalty of not to exceed—

(1) $100 for the first offense; (2) $250 for the second offense; and (3) $500 for any subsequent offense.

(d) PREEMPTION.—In accordance with section 4311 of title 46, United States Code, a State may not establish, continue in effect, or enforce any law or regulation concerning visual distress alerting and locating signals that is not identical to a regulation prescribed under this section.

SEC. 3652. RENEWAL PERIOD FOR DOCUMENTED VESSELS.

Section 12114 of title 46, United States Code, is amended by adding at the end the following:

"(d) ISSUANCE OF CERTIFICATE OF DOCUMENTATION.—The Secretary of the department in which the Coast Guard is operating is authorized to issue certificates of documentation for documented vessels for 1 year, 2 years, 3 years, 4 years, or 5 years.

"(1) PHASED IN ISSUANCE OF CERTIFICATES.—(A) In fiscal year 2019, vessel owners or operators with vessel documentation numbers ending in 4, 5, or 6 may elect to apply for a renewal certificate of documentation with an effective period of 1 year. Alternatively, vessel owners and operators shall be qualified to apply for an initial or renewal certificate of documentation with an effective period of 1 year.

"(B) In fiscal year 2021, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 may elect to apply for an initial or renewal certificate of documentation with an effective period of 1 year.

"(C) In fiscal year 2022 all vessel owners and operators shall be qualified to apply for a renewal certificate of documentation with an effective period of 1 year.

"(D) Starting in fiscal year 2022 all vessel owners and operators shall be qualified to apply for a renewal certificate of documentation with an effective period of 1 year.

"(E) Starting in fiscal year 2019 vessel owners and operators applying for an initial certificate of documentation may apply for such documentation with an effective period of 1 year, 2 years, 3 years, 4 years, or 5 years.

"(2) APPLICATION FOR RENEWAL.—Applicants for renewal shall be exempt from the requirements of section 4311 of title 46, United States Code, not to exceed—

(1) $10 for the first application; (2) $25 for the second application; and (3) $50 for any subsequent application.

"(3) FEES.—(A) For fiscal years 2019 through 2021, the Secretary shall collect the following fees from vessel owners or operators:

"(i) For a certificate of documentation with an effective period of 5 years the fee collected from the vessel owner or operator shall be $130.

"(ii) For a certificate of documentation with an effective period of 4 years the fee collected from the vessel owner or operator shall be $104.

"(iii) For a certificate of documentation with an effective period of 3 years the fee collected from the vessel owner or operator shall be $78.

"(iv) For a certificate of documentation with an effective period of 2 years the fee collected from the vessel owner or operator shall be $52.

"(v) For a certificate of documentation with an effective period of 1 year the fee collected from the vessel owner or operator shall be $26.

"(B) For fiscal years 2022 and thereafter, such fees shall be published in the Federal Register as a direct final rule. Such rule-making shall be exempt from the requirements of the Administrative Procedure Act (Public Law 79–404; 60 Stat 237).

"(4) FUNDS AVAILABILITY.—Fees collected for the issuance of certificates of documentation by the Secretary of the department in which the Coast Guard is operating shall be deposited into the account that bore the expense for issuance of such certificate of documentation; and such fees shall be available for expenditure.

SEC. 3653. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) by striking paragraph (1)(B), by striking "a survival craft" and inserting "subject to paragraph (3), a survival craft"; and (2) by adding at the end the following:

"(B) Except for vessels owned or operated with vessel documentation numbers ending in 4, 5, or 6 shall be qualified to apply for a renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 4, 5, or 6 may elect to apply for a renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate of documentation with an effective period of 1 year.

"(C) In fiscal year 2021, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 may elect to apply for an initial or renewal certificate of documentation with an effective period of 1 year.

"(D) Starting in fiscal year 2022 all vessel owners and operators shall be qualified to apply for a renewal certificate of documentation with an effective period of 1 year.

"(E) Starting in fiscal year 2019 vessel owners and operators applying for an initial certificate of documentation may apply for such documentation with an effective period of 1 year, 2 years, 3 years, 4 years, or 5 years.

"(2) APPLICATION FOR RENEWAL.—Applicants for renewal shall be exempt from the requirements of section 4311 of title 46, United States Code, not to exceed—

(1) $10 for the first application; (2) $25 for the second application; and (3) $50 for any subsequent application.

"(3) FEES.—(A) For fiscal years 2019 through 2021, the Secretary shall collect the following fees from vessel owners or operators:

"(i) For a certificate of documentation with an effective period of 5 years the fee collected from the vessel owner or operator shall be $130.

"(ii) For a certificate of documentation with an effective period of 4 years the fee collected from the vessel owner or operator shall be $104.

"(iii) For a certificate of documentation with an effective period of 3 years the fee collected from the vessel owner or operator shall be $78.

"(iv) For a certificate of documentation with an effective period of 2 years the fee collected from the vessel owner or operator shall be $52.

"(v) For a certificate of documentation with an effective period of 1 year the fee collected from the vessel owner or operator shall be $26.

"(B) For fiscal years 2022 and thereafter, such fees shall be published in the Federal Register as a direct final rule. Such rule-making shall be exempt from the requirements of the Administrative Procedure Act (Public Law 79–404; 60 Stat 237).

"(4) FUNDS AVAILABILITY.—Fees collected for the issuance of certificates of documentation by the Secretary of the department in which the Coast Guard is operating shall be deposited into the account that bore the expense for issuance of such certificate of documentation; and such fees shall be available for expenditure.

SEC. 3653. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.
“(1) it is necessary for normal fishing operations;
“(2) it is readily accessible during an emergency;
“(3) it is capable of safely holding all individuals on board the vessel, in accordance with the Coast Guard capacity rating, when applicable.
“(B) In this paragraph, the term ‘non-applicable vessel’ means a vessel that is—
“(i) operating outside of 12 nautical miles; and
“(ii) required by the Secretary to have an inflatable life raft.”.

SEC. 3654. INLAND WATERWAY AND RIVER TENDER, AND BAY CLASS ICEBREAKER ACQUISITION PLAN.

(a) ACQUISITION PLAN.—Not later than 545 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to replace the aging fleet of inland waterway and river tenders, and the bay class icebreakers.

(b) CONTENTS.—The plan described in subsection (a) shall—

(1) a schedule for the acquisition to begin; (2) the date the first vessel will be delivered;
(3) the date the acquisition will be complete;
(4) a description of the order and location of replacements;
(5) an estimate of the cost per vessel and for total acquisition program of record; and
(6) an analysis of whether existing vessels can be used instead.

SEC. 3655. ARCTIC PLANNING CRITERIA.

(a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—The Commandant of the Coast Guard may approve a vessel response plan that is developed by the Commander of the Port Zone that includes the Arctic, for purposes of complying with the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), if the Commandant—

(A) verifies that equipment included in the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and
(B) verifies that training has been conducted by the equipment operators on the equipment included in the plan within the geographic boundaries of the Captain of the Port Zone that includes the Arctic.

(2) POST-APPROVAL REQUIREMENTS.—For each plan that is approved under paragraph (1) the Commandant shall—

(A) the oil spill removal organization listed in the vessel response plan shall conduct regular exercises and drills of the plan in the area covered by the Captain of the Port Zone that includes the Arctic; or
(B) the oil spill removal organization listed in the vessel response plan may take credit for responses to actual spills or releases in the area covered by the Captain of the Port Zone that includes the Arctic instead of conducting regular exercises and drills of the plan, if the oil spill removal organization—

(i) documents which exercise requirements were met during the response; and
(ii) submits a request for credit to and receives approval from the Commandant.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone that includes the Arctic.

(2) CONTENTS.—The report shall include the following:

(A) An description of equipment and assets available for oil spill response under the vessel response plans approved for vessels operating in the Captain of the Port Zone, including details in the provider of such equipment and assets.

(B) A description of the location of equipment and assets that are to be deployed, including an estimate of the time to deploy the equipment and assets.

(C) A determination on the degree of how effectively the oil spill equipment and assets are distributed throughout the Captain of the Port Zone.

(D) A statement on whether the ability to maintain and deploy equipment and assets is taken into account when measuring the level of equipment available throughout the Captain of the Port Zone.

(E) Validation of port assessment visit process and response resource inventory for oil spill response under the vessel response plans approved for vessels operating in the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regulations in the Captain of the Port Zone in the previous 3 years.

(G) A description of the resources needed throughout the Coast Guard to conduct port assessments, exercises, response plan review, and spill response.

(c) DEFINITION OF ARCTIC.—In this section, the term ‘Arctic’ has the meaning given the term under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 1111).

SEC. 3656. FISHING SAFETY GRANT PROGRAMS.

(a) FISHING SAFETY TRAINING GRANT PROGRAM.—Section 4502(i)(4) of title 46, United States Code, is amended by striking “2015 through 2017” and inserting “2015 through 2019”.

(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—Section 4502(j)(4) of title 46, United States Code, is amended by striking “2015 through 2017” and inserting “2015 through 2019”.

SEC. 3657. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and
(2) by striking paragraph (2), and inserting the following:

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) requested by the owner or operator;”

“(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2); and”.

SEC. 3658. COMMERCIAL FISHING VESSEL SAFETY OUTREACH STRATEGY.

(a) REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Department in which the Coast Guard is operating shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a national communications plan for the purposes of—

(1) disseminating information to the commercial fishing industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing industry; and

(4) releasing information collected under section 703 of title 46, United States Code, as amended by this Act, to the commercial fishing vessel industry.

(b) CONTENT.—The plan required by subsection (a), and each annual update, shall—

(1) include all available staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) be individually adapted as necessary by the Coast Guard to ensure the most effective strategy and means to communicate with commercial fishing vessel industry;

(3) include a means to document all communication and outreach conducted with the commercial fishing vessel industry;

(4) include a mechanism to measure effectiveness of such plan.

(c) UPDATES.—The Secretary of the department in which the Coast Guard is operating shall—

(1) update and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan required by subsection (a) not less frequently than once each year; and

(2) include input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry under subsection (b)(3).

SEC. 3659. CONSISTENCY IN MARINE INSPECTION.

(a) DEFINITION OF OFFICER IN CHARGE, MARINE INSPECTION.—In this section, the term ‘Officer in Charge, Marine Inspection’ has the meaning given the term in section 50.10-4 of title 46, Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall make it a priority to implement regulations necessary with respect to inspections, enforcement, and administration subject to title II of title 46, United States Code, and title 33, United States Code, consistent between all Officers in Charge, Marine Inspections to avoid disruption and undue expense to industry.

(c) DISCREPANCIES.—

(1) In general.—Efforts to resolve any disagreements regarding the existing condition of a vessel should be made between the local Officer in Charge, Marine Inspection conducted by an Office in Charge, Marine Inspection that issued the most recent Certificate of Inspection or the Marine Safety Center, unless there is a justifiable safety reason.

(2) Good faith efforts.—The Officer in Charge, Marine Inspection shall make a good faith effort to resolve the discrepancy, if possible, or submit a justification for the discrepancy to the Commandant of the Coast Guard, via the cognizant District Commander, before a decision on the appeal is made.

(d) APPEALS FROM DECISIONS OR ACTIONS.—

The Coast Guard shall provide the necessary inspection records regarding to any person affected by an Office in Charge, Marine Inspection or the Marine Safety Center for any unresolved discrepancy and facilitate the process for appealing that decision or action under parts 1 through 4 of title 46, Code of Federal Regulations.

(e) REPORT ON MARINE INSPECTOR TRAINING.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training, experience, and qualifications received by a marine inspector under section 57 of title 14, United States Code, including—
(a) a description of any continuing education requirement, including a specific list of the courses; 
(b) a description of the training, including a specific list of courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise; 
(c) a description of any training that was offered in the 15-year period before the date of enactment of this Act, but is no longer required or offered, including a specific list of the courses, including the senior marine inspector course and any plan review courses; 
(d) a justification for why a course described in paragraph (3) is no longer required or offered; 
(e) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

Subtitle D—Maritime Security

SEC. 3661. MARITIME BORDER SECURITY CO-OPERATION.

The Secretary of the department in which the Coast Guard is operating shall, in accordance with law—
(1) partner with other Federal, State, and local government agencies to leverage existing technology, including camera systems and other sensors, to provide continuous monitoring of international and coastal borders, as determined by the Secretary; and 
(2) enter into such agreements as the Secretary considers necessary to ensure 24-hour monitoring of such technology.

SEC. 3662. CURRENCY DETECTION CANINE TEAM PROGRAM.

(a) Definitions.—In this section: 
(1) CANINE CURRENCY DETECTION TEAM.—The term ‘‘canine currency detection team’’ means a canine and a canine handler that are trained to detect currency. 
(2) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the department in which the Coast Guard is operating. 
(b) Establishment.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement and maritime security operations, including underway vessel boardings. 
(c) Operation.—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).

SEC. 3663. CONFIDENTIAL INVESTIGATIVE EXPENSE.

Section 658 of title 14, United States Code, is amended by striking ‘‘$45,000’’ and inserting ‘‘$250,000’’.

SEC. 3664. MONITORING OF ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) In General.—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities in the Western Pacific regions. 
(b) Requirements.—The pilot program shall—
(1) consider using light aircraft-based detection systems which can identify potential illegal, unreported, and unregulated fishing at higher altitudes and produce enforcement-quality evidence at lower altitudes; and 
(2) be directed at detecting and deterring illegal, unreported, and unregulated fishing and enhancing maritime domain awareness.

SEC. 3665. STRATEGIC ASSETS IN THE ARCTIC.

(a) Definition of Arctic.—In this section, the term ‘‘the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).’’

SEC. 3665. STRATEGIC ASSETS IN THE ARCTIC. (a) Definition of Arctic.—In this section, the term ‘‘the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).’’

(b) Sense of Congress.—It is the sense of Congress that—
(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and 
(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat without delay.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, shall submit to the Committees on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

(d) Contents.—The report under subsection (c) shall include—
(1) a description of the Coast Guard’s progress toward each strategic objective; 
(2) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety for pleasure boats, fishers, corrections, and other dangerous interactions between the shipping industry and subsistence hunters; 
(3) plans to prevent marine casualties, when possible, by ensuring vessels avoid environmentally sensitive areas and permanent security zones; 
(4) an explanation of— 
(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and 
(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic; 
(5) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities; 
(6) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as— 
(A) response time; 
(B) coverage area; 
(C) endurance at sea; 
(D) presence; and 
(E) deterrence; and 
(7) an analysis of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters capabilities based on the factors described in subparagraphs (A) through (E) of paragraph (6), both stationed from various Alaska ports and in other locations.

SEC. 3666. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.

(a) Report.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—
(1) provide the stakeholders with opportunity for input— 
(A) prior to initially drafting the report, including the assessment and strategic plan; and 
(B) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and 
(2) document the input and its disposition in the report.

(b) Transparency.—All input provided under paragraph (1) shall be made available to the public.

SEC. 3667. COMPTROLLER GENERAL REPORT ON CERTAIN TASK FORCES.

(a) Findings.—Congress finds that the Joint Interagency Task Force South (referred to in this section as the ‘‘JIATF-South’’) is an exemplary program that executes counter-narcotics and illegal migrant operations to the extent that the JIATF-South:

(1) carries out its mission to support counter-narcotics and illegal migrant operations to the extent that the JIATF-South:

(2) The Department of Homeland Security’s Joint Task Force (referred to in this section as the ‘‘DHS-JTF’’). 

(c) Contents.—In conducting the study under subsection (b), the Comptroller General shall, at a minimum, provide—
(1) a description of the JIATF-West Counter-narcotics Operations Center and its performance of its mission to support counter-narcotics and illegal migrant operations by United States law enforcement agencies; 
(2) compare the JIATF-West, DHS-JTFs, and JIATF-South organizational and manning structure; and 
(3) assess the JIATF-West’s current organizational and manning structure as it relates to
to JIATF-West's ability to conduct counter-narcotics missions; (4) review the JIATF-West's December 2015-May 2017 reorganization initiative and its impact, if any, on improving mission performance; (5) review the JIATF-West's leadership, including an assessment of—

(A) the capabilities of a Coast Guard flag officer as the director as compared to the Coast Guard's role in JIATF-South; and

(B) the process used by the JIATF-West for developing and implementing its December 2015-May 2017 reorganization initiative, including how it assessed progress and solicited feedback on the initiative;

(C) the state of the armament and personnel practices, and their impact, if any, on mission performance;

(D) include recommendations for improving the JIATF-West's performance; and

(E) review whether there is any redundancy between DHS-JTF and JIATF-South or JIATF-West.

SEC. 3660. SAFETY OF VESSELS OF THE ARMED FORCES.

(a) In General.—Section 91 of title 14, United States Code, is amended—

(1) in the heading, by striking "naval vessels" and inserting "vessels of the armed forces"; (2) in subsection (a), by striking "United States naval vessel" and inserting "vessel of the armed forces"; and (3) in subsection (b)—

(A) by striking "senior naval officer present in command" and inserting "senior officer present in command"; and (B) by striking "United States naval vessel" and inserting "vessel of the armed forces";

(b) Table of Contents.—The table of contents of chapter 5 of title 14, United States Code, is amended by inserting the item relating to section 91. Safety of vessels of the armed forces. as a heading for section 91.

SEC. 3669. PROTECTING AGAINST UNMANNED AIRCRAFT.

(a) Protection against unmanned aircraft.—Chapter 15 of title 14, United States Code, is amended by inserting after section 5630 the following:

§ 563a. Acquisition workforce expedited hiring authority.

For purposes of section 5304 of title 5, the Commandant of the Coast Guard may—

(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(2) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.

(b) Acquisition workforce reemployment authority.—

Sec. 494 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is repealed.

§ 563b. Acquisition workforce reemployment authority.

(a) In General.—Except as provided in subsection (b), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant of the Coast Guard under section 563a of this title, the annuity of an annuitant so employed shall continue. An annuitant so reemployed shall not be considered an employee for purposes of such chapter III of chapter 83 or chapter 84 of title 5.

(b)(1) Election.—An annuitant retired under section 8330(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in a position within
the Coast Guard after the date of enactment of this Act and not later than 90 days after the Commandant takes reasonable steps to notify employees who may file an election.

(b) Coverage.—If an employee files an election under this subsection, coverage shall be effective on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

(c) Application.—Paragraph (1) shall apply to an individual who is eligible to file an election under paragraph (1) and does not file a timely election under this subsection.

(2) Table of contents.—The table of contents of this title, United States Code, as amended in subsection (a) of this section, is further amended by inserting after the item relating to section 563a the following:

"563b. Acquisition workforce reemployment authority.".

SEC. 3683. DRAWBRIDGES.

(a) PURPOSE.—The purposes of this section are—

(1) to ensure the public is made aware of any temporary change to a drawbridge operating schedule;

(2) to ensure the operators are maintaining logbook records of drawbridge movement.

(b) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Section 5 of the Act entitled "Provisions for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 18, 1936 (33 U.S.C. 499), is amended by adding at the end the following—

"(d) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

(1) is approved—

(A) the Secretary of the department in which the Coast Guard is operating shall—

(i) issue a deviation approval letter to the bridge owner; and

(ii) announce the temporary change in—

(I) the Local Notice to Mariners; and

(II) broadcast notices to mariners through weather stations or

(III) such other local media as the Secretary considers appropriate; and

(B) the bridge owner, except a railroad bridge owner, shall notify—

(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; and

(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

(B) before the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

"(e) DRAWBRIDGE MOVEMENTS.—The Secretary of the department in which the Coast Guard is operating—

(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

(2) may inspect the log to ensure drawbridge movement is in accordance with the posted operating schedule;

(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

(f) REQUIRED RECORDS.—An operator of a drawbridge built across a navigable river or other water of the United States—

(A) that opens the draw of such bridge for the passage of a vessel, shall maintain for not less than 5 years a logbook record of—

(i) the bridge identification and date of each opening;

(ii) the bridge tender or operator for each opening;

(iii) each time it is opened for navigation; and

(iv) each time it is closed for navigation.

(B) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

(g) TREATMENT OF INCENTIVE PROJECT OR ORDER.—

(1) the adjustment to be made pursuant to section 618(a) of title 14, United States Code, shall, notwithstanding that provision of law, be reduced by the agreed amount and distributed as an incentive to such wage-grade industrial employees; and

(2) the remainder of the adjustment shall be credited to the appropriation current at that time.

SEC. 3685. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.

(a) IN GENERAL.—Section 1091 of title 10, United States Code, shall apply in the same manner and to the same degree as such section applies to a health-care professional described in subsection (b) of this section, to a health-care professional described in subsection (b) of this section.

(b) HEALTH-CARE PROFESSIONAL.—A health-care professional described in subsection (a) is a member of the Coast Guard, civilian employee of the Coast Guard, member of the Public Health Service assigned to the Coast Guard, personal services contractor under section 1091 of title 10, United States Code, or other health-care professional credentialed and privileged at a Federal health-care institution designated by the Secretary of the department in which the Coast Guard is operating for this purpose who—

(1) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

(2) is performing authorized duties for the Coast Guard.

SEC. 3686. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.

(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant; and

(2) within 60 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate 1 or more of such restrictions; or

(b) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions; or

(3) within 30 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island and, if the owner agrees to such restrictions, the Secretary...
shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for the title and interest of such owner in and to Ayakulik Island.

(b) BOUNDARY REVISIONS.—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) PUBLIC LAND ORDER.—Effective on the date of an exchange under subsection (a), Public Land Orders shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) FAIL TO TIMELY RESPOND TO NOTICE.—If the Commandant does not transmit proposed operational restrictions to the Secretary within 60 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 75 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) CERCLA.—

(1) IN GENERAL.—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 108(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(2) EXEMPTION.—Notwithstanding paragraph (1), the Tract shall not be exempt from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

SEC. 3687. ABANDONED SEAFARERS FUND AMENDMENTS.

Section 1113 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking “may be appropriated to the Secretary” in the matter before paragraph (A) and inserting “shall be available to the Secretary without further appropriation, and shall remain available until expended;”;

(2) in subsection (c)—

(A) in paragraph (1), by inserting “plus a surcharge of 25 percent of such total amount,” after “seafarer,” in the matter preceding subparagraph (A); and

(B) by striking paragraph (4).

SEC. 3688. SMALL SHIPYARD CONTRACTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 667 the following:

“§667a. Construction of Coast Guard vessels and assignment of vessel projects.’’

SEC. 3689. WESTERN CHALLENGER; CERTIFICATE OF COMPLIANCE.

Section 604(h) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3062) is amended by inserting the following:

“and (B) any public comment or other forms of input, including State governments and Indian tribes;” after “(A) the current Coast Guard staffing model and organizational structure;”.

SEC. 3690. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Commandant of the Coast Guard shall review and verify that a vessel response plan is consistent with section 108(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an audit of the verification and approval processes under section 108(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(b) REVIEW AND RECOMMENDATIONS.—The audit required by subsection (a) shall contain—

(1) review and make recommendations regarding the verification and approval process of the Coast Guard for vessel response plans required under section 108(h) of the Federal Water Pollution Control Act (33 U.S.C. 1321);

(2) include a detailed analysis of—

(A) the current Coast Guard staffing model and organizational structure;

(B) the amount of time expended by the Coast Guard verifying and approving such vessel response plans; and

(C) the amount of time expended by the Coast Guard for verification and approval of a single vessel response plan; and

(2) include a detailed analysis of—

(A) such process with initial submission from the vessel through final approval;

(B) how such process ensures compliance with applying vessel oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(C) the role of local and regional Coast Guard units in such process;

(D) any public comment or other forms of engagement with stakeholders, including State governments and Indian tribes; (E) any engagement or utilization of Federal or State agency resources and consultation, including weather data systems, oil spill trajectory modeling, or risk management information for the purposes of reviewing vessel response plans; (F) how the Coast Guard verifies availability and contractual obligation of resources required in such a vessel response plan; (G) the resources available and used by the Coast Guard to verify operational capability and capacity of equipment listed in a vessel response plan for the applicable operating environments; (H) how the Coast Guard verifies alternate measures when a vessel cannot meet the National Planning Criteria; (I) the weather data, modeling software, and information systems available and used by the Coast Guard when determining compliance for response resource mobilization times specified in statutes, regulations, and Executive Orders 12866 and 13563.

SEC. 3691. VESSEL RESPONSE PLAN AUDIT.

(a) REQUIREMENT FOR AUDIT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an audit of the verification and approval process of the Coast Guard for vessel response plans required under section 108(h) of the Federal Water Pollution Control Act (33 U.S.C. 1321) for—

(1) the current Coast Guard staffing model and organizational structure;

(2) how the Coast Guard processes and actions are reviewed and recommended; and

(3) the Coast Guard ensures vessel response plans are adapted and updated to account for new regional response needs, such as regional trends of transportation of heavy oils and volume of traffic;

(b) LOCATION.—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate agricultural research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) RESPONSIBILITIES.—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill response technology, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in United States Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response technologies and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and strengthen maritime response training and techniques for use on the Great Lakes.

(6) DEFINITION.—In this section, the term ‘‘Great Lakes’’ means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.
Title F—Department of Commerce Vessels

SEC. 3701. WAIVERS FOR CERTAIN CONTRACTS.
Section 3134 of title 46, United States Code, is amended—
(1) by inserting “Secretary of Homeland Security,” after “Air Force,” each place it appears; and
(2) by adding at the end the following:
“(c) PROVISIONS.—The Secretary of Commerce may waive this subsection with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of such contracts as to payment or title, when the contract is made under the Act entitled ‘An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes,’ approved August 6, 1947 (33 U.S.C. 883a et seq.).”.

Title G—Federal Maritime Commission Authorization Act of 2017

SEC. 3711. SHORT TITLE.
This subtitle may be cited as the “Federal Maritime Commission Authorization Act of 2017”.

SEC. 3712. AUTHORIZATION OF APPROPRIATIONS.
Section 308 of title 46, United States Code, is amended—
(1) by inserting “$28,490,000 for each of fiscal years 2018 and 2019,” after “$28,400,000 for each of fiscal years 2017 and 2018”;
(2) by redesignating paragraphs (5) through (8), as paragraphs (6) through (9), respectively;
(3) by inserting after paragraph (4) the following:
“(b) RECORD.—The Commission, through the General Counsel of the Commission properly determines may be withheld from the public under section 552a of title 5, the Commission shall make the disclosure under paragraph (2) of this subchapter; or
“(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.

(b) TABLE OF CONTENTS.—The table of contents of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:
“§ 303. Meetings.”.

SEC. 3714. PUBLIC PARTICIPATION.
(a) NOTICE OF FILING.—Section 40304(a) of title 46, United States Code, is amended—
(1) by adding at the end the following:
“(a) Notice of Filing.—Not later than 7 days after the date an agreement is filed, the Federal Maritime Commission shall—
(1) transmit a notice of the filing to the Federal Register for publication; and
(2) request interested persons to submit relevant information and documents.”;

(b) RECORD AND DOCUMENTS.—Section 40304(d) of title 46, United States Code, is amended by striking “section” and inserting “part”.

(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—
“(1) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.
“(b) RECORD.—The Commission, through its Secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

(d) NONPUBLIC COLLABORATIVE DISCUSSIONS.—
“(1) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.
“(b) RECORD.—The Commission, through its Secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

SEC. 3715. REPORTS FILED WITH THE COMMISSION.
Section 40104(a) of title 46, United States Code, is amended to read as follows:
“(a) REPORTS.—
“(1) IN GENERAL.—The Federal Maritime Commission or the Secretary of Commerce may waive this subsection with as much general information as possible on those matters withheld from the public.
“(2) ONGOING PROCEEDINGS.—If a meeting under section 40103 of this title (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission order, contract, or financial transaction of the Commission.

SEC. 3716. TRANSPARENCY.
(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives bimonthly reports that describe the Commission’s activities, including the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify, for each unfinished regulatory proceeding—
(1) the popular title;
(2) the current stage of the proceeding;
(3) the status of the proceeding;
(4) what prompted the action in question;
(5) any applicable statutory, regulatory, or judicial deadline;
(6) the associated docket number;
(7) the date the rulemaking was initiated;
(8) the date for the next action; and
(9) if a date for next action identified in the previous report is not met, the reason for the delay.

SEC. 3717. NEGOTIATIONS.
(a) EXCEPTIONS.—Section 40303(b)(1) of title 46, United States Code, is amended by inserting “tug operators,” after “motor carriers,”.

(b) CONCEIVED ACTION.—Section 41105 of title 46, United States Code, is amended—
(1) in paragraph (4)—
(A) by striking “non-ocean carrier” and inserting “tug operator, non-ocean carrier.”;
and
(B) by inserting “tug operators” after “States by those”;
(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;
(3) by inserting after paragraph (4) the following:
“(5) negotiate with a marine terminal operator on any rate or service matter associated with certain covered services provided to ocean common carriers within the United States by those marine terminal operators, unless the negotiations and any resulting agreements are not in violation of the anti-trust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the establishing of a joint through rate by a conference, joint venture, or association of ocean common carriers;”;
(4) in the matter preceding paragraph (1), by inserting “(a) IN GENERAL.—” before “A conference” and indenting appropriately;
and
(5) by adding at the end the following:
“(b) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term ‘certain covered services’ means berthing, the loading or unloading of cargo to or from a point of rest on a wharf, the bunkering of such a vessel, towing and tug assistance of such a vessel, or the positioning, repair, or replacement of navigation buoys.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) CONTENT REQUIREMENTS.—Section 40303(b)(5) of title 46, United States Code, is amended by inserting “section 41105(1) or (3) of this title” and inserting “paragraph (1) or paragraph (3) of section 41105(a) of this title”; and
(2) AWARD OF REPAYMENTS.—Section 41308(c) of title 46, United States Code, is amended by striking “section 41305(1) or (3) of this title” and inserting “paragraph (1) or paragraph (3) of section 41105(a) of this title”.

(d) SAVINGS CLAUSE.—Nothing in this section or the amendments made by this section shall be construed to limit the authority of the Department of Justice regarding anti-trust matters.

SEC. 3718. PROHIBITIONS AND PENALTIES.
Section 41104(11) of title 46, United States Code, is amended to read as follows:
“(a) In General.—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives bimonthly reports that describe the Commission’s activities, including the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify, for each unfinished regulatory proceeding—
(1) the popular title;
(2) the current stage of the proceeding;
(3) the status of the proceeding;
(4) what prompted the action in question;
(5) any applicable statutory, regulatory, or judicial deadline;
(6) the associated docket number;
(7) the date the rulemaking was initiated;
(8) the date for the next action; and
(9) if a date for next action identified in the previous report is not met, the reason for the delay.

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does not have a tariff as required by section 40501 of this title, or an ocean transportation operator's tariff as required by section 201(a) of title 46, Code of Federal Regulations, or section 372.71 of this title, and that relates to a cargo of a type for which the Coast Guard is operating.

SEC. 3721. SHORT TITLE.

This subtitle may be cited as the “Vessel Incidental Discharge Act”.

SEC. 3722. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term “aquatic nuisance species” means a non-indigenous species (including a pathogen) that has been listed under title 16, section 305 of the Clean Water Act, section 2101(17a) of title 46, United States Code, or section 2101(14a) of title 46, United States Code, as a species that is harmful or capable of significantly harming or altering the ecological integrity of the Great Lakes, subject to any requirements established by the Secretary.

(3) BALLAST WATER.—The term “ballast water” means any water and suspended matter taken on board a commercial vessel to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how it is carried.

(4) BALLAST WATER DISCHARGE STANDARD.—The term “ballast water discharge standard” means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of such title, or a revised numerical ballast water discharge standard established under section 365, as applicable.

(5) BALLAST WATER MANAGEMENT SYSTEM.—The term “ballast water management system” means any system (including all ballast water treatment equipment and all associated control and monitoring equipment) that processes ballast water to kill, render harmless, or remove organisms.

(6) COMMERCIAL VESSEL.—(A) IN GENERAL.—The term “commercial vessel” means a vessel (as defined in section 33, Code of Federal Regulations, or section 33, Code of Federal Regulations), or a vessel (as defined in section 1322(a)(6)); or

(B) any emission of an air pollutant resulting from the operation onboard a commercial vessel of a commercial vessel propulsion system, motor driven equipment, or incinerator; or

(C) any discharge into navigable waters of the United States from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

(7) GENERAL PERMIT.—The term “General Permit” means the Final National Pollutant Discharge Elimination System General Permit for Discharges Incidental to the Normal Operation of a Vessel noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(8) G EOGRAPHICALLY LIMITED AREA.—The term “geographically limited area” means an area—

(A) with a physical limitation that prevents a commercial vessel from operating outside the area, such as the Great Lakes and Saint Lawrence River, as determined by the Secretary;

(B) that is ecologically homogeneous, as determined by the Secretary in consultation with the heads of other Federal departments or agencies the Secretary considers appropriate.

(9) LIMITATION ON REQUIREMENTS.—In establishing a commercial vessel or its equipment and—

(i) any reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) any pollutant that would violate an applicable Federal or State law shall apply to violations of a regulation issued pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 2101 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this subtitle.

(10) LIMITATION ON REQUIREMENTS.—In establishing a commercial vessel or its equipment and—

(A) the ballast water is discharged solely to ensure the safety of life at sea;

(B) the ballast water is discharged accidentally, as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) any pollutant that would violate an applicable Federal or State law shall apply to violations of a regulation issued pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 2101 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this subtitle.

SEC. 3724. BALLAST WATER DISCHARGE REQUIR EMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (3), and subject to sections 151.2035 and 151.2037 of this title, and any other applicable requirements established by the Secretary, a commercial vessel enters the Great Lakes System and Saint Lawrence River if a commercial vessel enters the Great Lakes through the Saint Lawrence River or the Hudson River north of the George Washington Bridge after operating outside the exclusive economic zone of the United States or Canada, the owner or operator shall—

(A) comply with the requirements of—

(i) paragraph (1); and

(ii) each part of title 33, Code of Federal Regulations; and

(B) subject to section 372.71 of this title.

(b) APPLICABILITY.—

(1) A PPLICATION OF OTHER REGULATIONS.—The regulations issued pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 2101 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this subtitle.
any commercial vessel that is designed, constructed, or adapted to carry ballast water while such commercial vessel is operating in navigable waters of the United States.

(2) Exclusions.—Subparagraph (a) shall not apply to a commercial vessel—

(A) that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters of the United States, as determined by the Secretary;

(B) that operates pursuant to a geographic restriction condition in subpart 3 of part 131 of title 33, Code of Federal Regulations, that restricts ballast water operations such that the water is taken aboard, meets the criteria described in clause (iv), including the information described in clause (i), and is discharged while such commercial vessel is operating in such waters.

SEC. 3725. REVIEW OF BALLAST WATER DISCHARGE STANDARD.

(a) Effectiveness Review.—

(1) In general.—The Secretary shall conduct a review of the ballast water discharge standard under subsection (c) within 30 months of the enactment of this Act to determine whether revising the ballast water discharge standard based on the application of the best available technology economically achievable would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) Required reviews.—Not later than January 1, 2022, and every 10 years thereafter, the Secretary, in consultation with the Administrator, shall complete a review under paragraph (1).

(b) Type Approval of Ballast Water Management Systems That Render Ballast Water Organisms incapable of Reproduction.

(1) In general.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations, and part 162 of title 46, Code of Federal Regulations, a ballast water management system that renders organisms in ballast water incapable of reproduction at the concentrations of organisms in ballast water that are capable of reproduction.

(2) Public comment.—The Secretary shall provide for a period of not more than 60 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a draft policy letter published under paragraph (1).

(c) Revisions.—The Secretary shall review such policy letter and the additional testing methods determined by the Secretary to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(d) Considerations.—In developing a policy letter under this paragraph, the Secretary—

(i) shall consider a type approval testing method that uses organism growth and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

(ii) shall not consider a type approval testing method that training methods that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

SEC. 3726. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) Effective Date.—(1) In general.—Notwithstanding chapter 5 of title 5, United States Code, or any equivalent restriction issued by the country of registration of the commercial vessel, the ballast water discharge standard under subsection (c) of this section shall not apply to a commercial vessel—

(A) that is constructed or completes a major conversion on or after the date on which such rule is published in the Federal Register; and

(B) that discharges ballast water containing organisms in ballast water that are capable of reproduction at the concentrations of organisms in ballast water that are capable of reproduction.

(2) Exclusions.—The Secretary may exclude a commercial vessel from the application of this section if the Governor of the State in which the commercial vessel is registered determines that the exclusion is necessary to accommodate the safety or health of the crew or passengers on board the vessel, or the operations of the vessel.

(b) Testing Protocols.—The Secretary, in consultation with the Administrator, shall conduct a test of the testing protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised in 6 months after the date on which such rule is published in the Federal Register.

(c) Prohibitions on ballast water discharge.—Notwithstanding any other provision of law, no person shall discharge ballast water into navigable waters of the United States unless such discharge is practicable; and

(d) Discharge of ballast water.—(1) In general.—The Great Lakes and Saint Lawrence Seaway Area Commission shall not prevent the discharge of ballast water discharged in compliance with this section.

(2) Exceptions.—The Great Lakes and Saint Lawrence Seaway Area Commission may exclude any commercial vessel from the application of this subsection if the Governor of the State in which the commercial vessel is registered determines that the exclusion is necessary to accommodate the safety or health of the crew or passengers on board the vessel, or the operations of the vessel.

(e) Penalties.—Any person who violates this section shall be subject to a civil penalty of not more than $10,000 for each violation.
(3) FACTORS.—In reviewing a petition under this subsection, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline—

(A) whether the ballast water management system to be installed, if applicable, is available in sufficient quantities to meet the compliance deadline;

(B) whether there is sufficient shipyard or other installation facility capacity;

(C) whether there is sufficient availability of engineering and design resources;

(D) the ballast water discharge standard to be in compliance with the ballast water discharge standard in effect until the effective date of a rule issued by the Secretary under subsection (a);

(E) electric power generating capacity aboard the vessel;

(F) the safety of the commercial vessel and crew; and

(G) any other factor that the Secretary determines appropriate.

(4) CONSIDERATION OF PETITIONS.—

(A) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) DEADLINE.—If the Secretary does not approve or deny a petition referred to in subparagraph (A) before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(5) USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the owner or operator maintains the ballast water management system in proper working condition, as determined by the Secretary; and

(iii) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary;

and

(iii) the completion of a major conversion of the commercial vessel.

SEC. 3726. ALTERNATIVE COMPLIANCE PROGRAM.

The Secretary, in consultation with the Administrator, may issue a rule establishing 1 or more compliance programs that may be used whether the ballast operator as an alternative to compliance with the requirements of section 3724(a) for a commercial vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the service life of the commercial vessel, as determined by the Secretary.

SEC. 3727. RECEPTION FACILITIES.

(a) IN GENERAL.—Notwithstanding the requirements under section 3724(a), an owner or operator may discharge ballast water into an onshore or offshore facility for the reception of ballast water that meets the standards established by the Administrator, in consultation with the Secretary, under subsection (b).

(b) ISSUANCE OF STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall publish a rule in the Federal Register that establishes reasonable and operationally practicable standards for reception facilities to mitigate adverse effects of aquatic nuisance species on navigable waters of the United States.

SEC. 3728. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall publish a rule in the Federal Register that establishes best management practices for discharges incidental to the normal operation of a commercial vessel that are—

(i) greater than or equal to 79 feet in length; and

(ii) not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(B) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for an existing management practice established under paragraph (1), the Secretary may issue a rule to revise the best management practice established under this section.

(2) PART 6 CONDITIONS.—Notwithstanding paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country lands) shall expire on the date of enactment of this Act.

(3) APPLICATION TO CERTAIN VESSELS.—

(A) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or prohibition enforced under any other provision of law for, nor shall any best management practice established under this paragraph apply to, a discharge incidental to the normal operation of a commercial vessel if the vessel is—

(i) less than 79 feet in length; or

(ii) a fishing vessel, including a fish processing vessel and a fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(B) APPLICATION OF GENERAL PERMIT.—The terms and conditions of the General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on the date of enactment of this Act.

(d) STATE REVOCATION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary revoke a best management practice established under this section if there is sufficient new information that could reasonably indicate that—

(A) revising the best management practice would substantially reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel;

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIREMENTS.—A petition submitted to the Secretary under paragraph (1) shall include—

(A) the scientific and technical information on which the petition is based; and

(B) any additional information the Secretary considers appropriate.

(3) NOTICE AND COMMENT.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(5) REVOCATION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Administrator, determines that revising a best management practice would substantially reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel, and the revised best management practice would be economically achievable and operationally practicable, the Secretary, in consultation with the Administrator, may issue a rule to revise the best management practice established under subsection (a).

SEC. 3729. JUDICIAL REVIEW.

(a) IN GENERAL.—A person may file a petition for review of a final rule issued under this subtitle in the United States Court of Appeals for the District of Columbia.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the rule to be reviewed is published in the Federal Register.

(2) EXCEPTION.—Notwithstanding paragraph (1), if a petition is filed solely on grounds that arise after the deadline to file a petition under paragraph (1) has passed, may be filed not later than 120 days after the date on which such grounds first arise.

SEC. 3730. STATE ENFORCEMENT.

The Secretary may enter into an agreement with the Governor of a State to authorize the State to enforce the provisions of this subtitle, as the Secretary considers appropriate.

SEC. 3731. EFFECT ON STATE AUTHORITY.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—Nothing in this subtitle may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce regulations, or other requirement of the State or political subdivision with respect to—

(A) a discharge into navigable waters of the United States from a commercial vessel of ballast water; or

(B) a discharge incidental to the normal operation of a commercial vessel.

(b) PRESERVATION OF AUTHORITY.—Nothing in this subtitle may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

SEC. 3732. EFFECT ON OTHER LAWS.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in section 3726(b), on or after the date of enactment of this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall apply to discharges incidental to the normal operation of a commercial vessel of ballast water, including the discharge of ballast water of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in
PART I—GENERAL PROVISIONS
SEC. 3811. STRENGTH AND DISTRIBUTION IN GRADE.
Section 214 (33 U.S.C. 3004) is amended to read as follows:

"SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

(a) GRADES.—The commissioned grades in the commission of the Ad-
mistration are the following, in relative rank with officers of the Navy:

(1) Vice admiral.
(2) Rear admiral.
(3) Rear admiral (lower half).
(4) Captain.
(5) Commander.
(6) Lieutenant commander.
(7) Lieutenant.
(8) Lieutenant (junior grade).
(9) Ensign.

(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percent-
age applicable to the grades set forth in subsection (a).

(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of of-
icers on the lineal list authorized to be serv-
ing in each grade.

(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total num-
ber of such officers serving on active duty on the date the computation is made.

(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of offi-
cers in a grade, the nearest whole number shall be taken. In the fraction is 1⁄2, the next higher whole number shall be taken.

(d) TEMPORARY INCREASE IN NUMBERS.—
The total number of officers authorized by this section to be on duty during a fiscal year may be temporarily exceeded if the av-
average number on that list during that fiscal year does not exceed the authorized number.

(e) POSITIONS OF IMPORTANCE AND RESPONS-
IBILITY.—Officers serving in positions des-
gnated under section 228(a) and officers re-
called from retirement status shall not be counted when computing authorized strengths un-
der subsection (c) and shall not count against those strengths.

(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the au-
thorized number of officers in the various grades.

SEC. 3812. RECALLED OFFICERS.
Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking "Effective" and inserting the fol-
lowing:

"(a) IN GENERAL.—Effective": and

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

"(b) POSITIONS OF IMPORTANCE AND RESPONS-
IBILITY.—Officers serving in positions des-
gnated under section 228 and officers re-
called from retired status or detailed to an agency other than the Administration—

(1) may not be counted in determining the total number of authorized officers on the line list under this section; and

(2) may not count against such number.

SEC. 3813. OBLIGATED SERVICE REQUIREMENT.
(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3813(a), is fur-
ther amended by adding at the end the fol-
lowing:

"SEC. 216. Obligated service requirement.

SEC. 3814. TRAINING AND PHYSICAL FITNESS.
(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3813(a), is fur-
ther amended by adding at the end the fol-
lowing:

"SEC. 217. TRAINING AND PHYSICAL FITNESS.

(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include—

(1) Carrying out training programs and correspondence courses, including estab-
lishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-
career training, aviation training, and such other training as the Secretary considers necessary for officer development and pro-
iciency.

(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high
physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ‘‘An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes’’ (Public Law 107–372), as amended by section 3813(b), is further amended by inserting at the end the following:

‘‘Sec. 217. Training and physical fitness.’’.

SEC. 3815. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 381(a), is further amended by adding at the end the following:

‘‘SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

‘‘The Secretary may use for public relations purposes the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.’’.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ‘‘An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes’’ (Public Law 107–372), as amended by section 3813(b), is further amended by inserting at the end the following:

‘‘Sec. 218. Use of recruiting materials for public relations.’’.

SEC. 3816. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ‘‘in the commissioned officer corps’’ before ‘‘of the National’’.

PART II—PARITY AND RECRUITMENT

SEC. 3821. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

‘‘SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

‘‘(a) AUTHORITY TO REPAY EDUCATION LOANS.—(1) The Secretary shall—

(A) make, insure, or guarantee education loans for active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described—

(1) the person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

(3) is the debtor on 1 or more unpaid loans described in subsection (a) (or any successor obligations).

(b) ELIGIBLE PERSONS.—To be eligible to repayment under this section—

(1) the person—

(A) is serving on active duty;

(B) has not completed more than 3 years of service on active duty;

(C) is the debtor on 1 or more unpaid loans described in subsection (a) (or any successor obligations);

(D) is not in default on any such loan.

(c) STUDENT LOANS.—The authority to make payments under paragraph (1) may be exercised with respect to the following:

(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.);

(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.);

(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.);

(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of any officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

(f) COORDINATION WITH SECRETARY OF EDUCATION.—

(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education funds necessary—

(A) to pay interest and special allowances on student loans under this section in accordance with sections 438 of the Higher Education Act of 1965 (20 U.S.C. 1070b), 1076(e)(1), and 1087dd(j); and

(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts D and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘‘special allowance’’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1070b–1).

(b) CONFORMING AMENDMENTS.—

(1) Section 438(g) of the Higher Education Act of 1965 (20 U.S.C. 1070b–1) is amended—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAM’’; and

(B) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAM’’.

(2) Sections 455(c) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(c) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAM’’; and

(B) by inserting ‘‘or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002’’ after ‘‘Code’’;

and

(ii) by inserting ‘‘or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively’’ after ‘‘ARMED FORCES’’.

(c) CLERICAL AMENDMENTS.—(1) The table of sections in section 1 of the Act entitled ‘‘An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes’’ (Public Law 107–372), as amended by section 3813(c), is amended by—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAM’’; and

(B) by inserting ‘‘or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002’’ after ‘‘Code’’; and—

(ii) by inserting ‘‘or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively’’ after ‘‘ARMED FORCES’’.

SEC. 3822. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3821(a), is further amended by adding at the end the following:

‘‘Sec. 268. Interest Payment Program.

‘‘(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section, to the extent authorized by the Hydrographic Services Improvement Act of 1998, and for other purposes’’ (Public Law 107–372), as amended by...
section 3821(b), is further amended by inserting after the item relating to section 267 the following:

"Sec. 268. Interest payment program.",

SEC. 3822. STUDENT PRE-COMMISSIONING PROGRAM.

(a) In General.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3822(a), is further amended by adding at the end the following:

"SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

(a) Authority To Provide Financial Assistance.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in not more than 5 academic years; or

"(2) a postbaccalaureate degree.

(b) Eligible Persons.—

"(1) In General.—A person is eligible to obtain financial assistance under subsection (a) if the person—

"(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any accredited educational institution described in such subsection;

"(B) meets all the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

"(C) enters into a written agreement with the Secretary described in paragraph (2).

"(2) Written Agreement.—The written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

"(A) agrees to accept an appointment as an officer, if tendered; and

"(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

"(i) up to 3 years if the person received less than 3 years of assistance; and

"(ii) up to 5 years if the person received at least 3 years of assistance.

(c) Qualifying Expenses.—Expenses for which financial assistance may be provided under this section are the following:

"(1) Tuition and fees charged by the educational institution involved.

"(2) The cost of books.

"(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(4) Such other expenses as the Secretary considers appropriate.

"(d) Limitation on Amount.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (c) (a), which may not exceed the amount specified in section 214(a) of title 10, United States Code.

"(e) Initial Clothing Allowance.—The Secretary shall prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

"(f) Appointment.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

"(g) Termination of Financial Assistance.—

"(1) In General.—The Secretary shall terminate the assistance provided to a person under this section if—

"(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

"(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

"(C) the person fails to fulfill any term or condition of the agreement.

"(2) Reimbursement.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty required under the agreement.

"(3) Waiver.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

"(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

"(B) is—

"(i) not physically qualified for appointment; and

"(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of an physical or medical condition that was not the result of the person’s own misconduct or grossly negligent conduct.

"(4) Obligation as Debt to United States.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

"(5) Discharge in Bankruptcy.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

"(6) Regulations.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.

(b) Clerical Amendment.—The table of sections in section 1 of the Act entitled "An Act to authorize the Hydrographic Services Improvement Act of 1998" and for other purposes (Public Law 107–372), as amended by section 3822(c), is further amended by inserting after the item relating to section 268 the following:

"Sec. 269. Student pre-commissioning education assistance program."
(A) in subsection (a)(3), in the matter be- 
before subparagraph (A), by striking “armed 
forces” and inserting “uniformed services”; and 
(B) by adding at the end the following new 
subsection: 

“(d) SECRETARY CONCERNED FOR ACCEP- 
TANCE OF SERVICES FOR PROGRAMS SERVING 
MEMBERS OF NOAA CORPS AND THEIR FAMI- 
LIES.—For purposes of the acceptance of 
service referred to in subsection (a)(3), the 
term ‘Secretary concerned’ in subsection (a) 
shall include the Secretary of Commerce with 
respect to members of the commissioned 
officer corps of the National Oceanic and 
Atmospheric Administration.”.

(3) CAPSTONE COURSE FOR NEWLY SELECTED 
FLAG OFFICERS.—Section 2133 of such title is 
amended— 

(A) in subsection (a)— 

(i) by inserting “or the commissioned offi- 
cer corps of the National Oceanic and Atmos- 
pheric Administration” after “in the case of 
the Navy”; and 

(ii) by striking “other armed forces” and 
inserting “or the commissioned officer corps 
of the Administration”;

(B) in subsection (b)(1), in the matter be- 
fore subparagraph (A), by inserting “or the 
Secretary of Commerce, as applicable,” after 
“the Secretary concerned”;

SEC. 3828. APPLICABILITY OF CERTAIN PROVI- 
SIONS OF TITLE 37, UNITED STATES CODE. 

(a) In General.—Subtitle E (33 U.S.C. 3071 
et seq.) is amended by inserting after section 
261 the following:

“SEC. 261A. APPLICABILITY OF CERTAIN PROVI- 
SIONS OF TITLE 37, UNITED STATES CODE.

“(a) PROVISIONS MADE APPLICABLE TO COM- 
MISSIONED OFFICER CORPS.—The provisions 
of law applicable to the Armed Forces under 
the following provisions of title 37, United States 
Code, shall apply to the commissioned officer 
corps of the Administration:

“(1) Section 324, relating to accession bo-

““(2) in paragraph (2), by striking “or vet-
eran” and inserting “, veteran, or member”;

“(3) in paragraph (4), by inserting “and 
members of the commissioned officer corps of 
the National Oceanic and Atmospheric Ad-
ministration” after “separated from such uniformed service”;

“(b) PROBATION.—The provisions referred to in 
paragraph (a) shall apply to members of the 
commissioned officer corps of the Administration.

“(c) REGULATIONS.—The Department of Com-
merce (or its predecessor organization 
of the National Oceanic and Atmospheric 
Administration, or any”.

SEC. 3829. PENALTIES FOR WEARING UNIFORM 
WITHOUT AUTHORITY.

Section 702(h)(4) of title 37, United States Code, 
is amended by striking “Service” and 
inserting “Service, the commissioned officer 
corps of the National Oceanic and Atmos-
pheric Administration, or any”.

SEC. 3830. APPLICATION OF CERTAIN PROVI-
SIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is 
amended—

(1) in paragraph (1), by inserting “and 
members of the commissioned officer corps of 
the National Oceanic and Atmospheric Ad-
ministration, or any”;

(2) in paragraph (2), by striking “or vet-
eran” and inserting “, veteran, or member”;

(3) in paragraph (4), by inserting “and 
members of the commissioned officer corps of 
the National Oceanic and Atmospheric Ad-
ministration” after “separated from such uniformed service”;

SEC. 3831. EMPLOYMENT AND REEMPLOY-
MENT RIGHTS.

Section 4301(16) of title 38, United States Code, 
is amended by inserting “the commissioned 
officer corps of the National Oceanic and Atmos-
pheric Administration” after “Public Health Service.”.

SEC. 3832. TREATMENT OF COMMISSION IN COM-
MISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DE-
CISIONS.

(a) In General.—Subtitle E (33 U.S.C. 3071 
et seq.), in the matter before paragraph (a), is fur-
ther amended by adding at the end the fol-
lowing:

“SEC. 280A. TREATMENT OF COMMISSION IN 
COMMISSIONED OFFICER CORPS AS EM-
PLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING 
DECISIONS.

“(a) In General.—In any case in which the 
Secretary accepts an application for a posi-
tion of employment with the Administration 
for purposes of such a position to applications submitted by 
individuals serving in a career or career-con-
ditional position in the competitive service 
within the Administration, the Secretary 
shall deem an officer who has served as an 
officer in the commissioned officer corps for 
at least 3 years to be eligible for a career or career-conditional position in the competitive 
service within the Administration for purposes of such limitation.

(b) CLERICAL AMENDMENT.—The table of 
sections in section 1 of the Act entitled “An 
Act to authorize the Hydrographic Services 
Improvement Act of 1998, and for other pur-
poses” (Public Law 107–372) is amended by in-
serting after the item relating to section 269, 
as added by section 3823, the following new 
item:

“Sec. 280A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.”

SEC. 3833. DIRECT HIRE AUTHORITY.

(a) In General.—The head of a Federal 
agency may appoint, without regard to the 
provisions of subchapter I of chapter 33 of 
title 5, United States Code, other than sec-
ctions 3303 and 3328 of such title, a qualified 
candidate described in subsection (b) directly 
to a position in the agency for which the 
candidate meets qualification standards of 
the Office of Personnel Management.

(b) CANDIDATES DESCRIBED.—A candidate 
described in this subsection is a current or 
former member of the commissioned 
corps of the National Oceanic and Atmos-
pheric Administration who—

(1) fulfilled his or her obligated service re-
quirement under section 216 of the National 
Oceanic and Atmospheric Administration 
Commissioned Officer Corps Act of 2002, as 
added by section 3813;

(2) if no longer a member of the commis-
sioned officer corps of the Administration, 
was not discharged or released therefrom as 
part of a disciplinary action;

(3) has been separated or released from 
service in the commissioned officer corps 
of the Administration for a period of not more 
than 5 years;

(c) EFFECTIVE DATE.—This section shall 
apply with respect to appointments made in 
fiscal year 2017 and in each fiscal year there-

PART III—APPOINTMENTS AND 
PROMOTION OF OFFICERS

SEC. 3841. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 
(33 U.S.C. 3021) is amended to read as fol-
loowing:

“SEC. 221. ORIGINAL APPOINTMENTS AND RE-
APPOINTMENTS.

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) In General.—Except as provided 
in subparagraph (B), an original appointment 
of an officer may be made in such grades as 
the Secretary considers appropriate for—

“(i) the qualification, experience, and 
length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CAND-
IDATES.—

“(i) LIMITATION ON COMMISION.—An original ap-
pointment of an officer candidate is subject to 
consideration upon graduation from the basic officer training pro-
gram of the commissioned officer corps of

SEC. 3828. PROHIBITION ON RETALIATORY PER-
SONNEL ACTIONS.

(a) In General.—Subsection (a) of section 
282 (33 U.S.C. 3071), as amended by section 
3825(a), is further amended—

(1) by redesignating paragraphs (8) through 
(25) as paragraphs (9) through (36), respec-
tively; and

(2) by inserting after paragraph (7) the fol-
lowing:

“(b) Section 1034, relating to protected 
communications and prohibition of retali-
atory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection 
(b) of such section is amended by adding at 
the end the following:

“(i) Section 4303(16) of title 38, United States 
Code, is amended by striking “Service” and 
inserting “Service, the commissioned officer 
corps of the National Oceanic and Atmo-
pheric Administration, or any”.

(2) in paragraph (2), by striking “or vet-
eran” and inserting “, veteran, or member”;

(3) in paragraph (4), by inserting “and 
members of the commissioned officer corps of 
the National Oceanic and Atmospheric Ad-
ministration” after “separated from such uniformed service”;

(b) PROBATION.—The provisions referred to in 
paragraph (a) shall apply to members of the 
commissioned officer corps of the Administration.

“(c) REGULATIONS.—The Department of Com-
merce (or its predecessor organization 
of the National Oceanic and Atmospheric 
Administration, or any”.
the Administration, may not be made in any other grade than ensign.

(ii) BANK.—Officer candidates receiving appointments as ensigns upon graduation from a Basic Officer Training Program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

(A) Graduates of the Basic officer training program of the commissioned officer corps of the Administration.

(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

(C) Graduates of the maritime academies of the States who

(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

(3) DEFINITIONS.—In this subsection:

(A) MARITIME ACADEMIES OF THE STATES.—The term ‘‘maritime academies of the States’’ means the following:

(i) California Maritime Academy, Vallejo, California.

(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

(iii) Maine Maritime Academy, Castine, Maine.

(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term ‘‘military service academies of the United States’’ means the following:

(i) The United States Military Academy, West Point, New York.

(ii) The United States Naval Academy, Annapolis, Maryland.

(iii) The United States Air Force Academy, Colorado Springs, Colorado.

(iv) The United States Coast Guard Academy, New London, Connecticut.

(v) Texas A&M Maritime Academy, Galveston, Texas.

(C) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.

(4) MEMBERSHIP.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

(5) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

(6) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

(7) DUTIES.—Each personnel board shall—

(a) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

(b) make selections and recommendations to the Secretary for the appointment, promotion, involuntary separation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

(8) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

SEC. 2343. DELEGATION OF AUTHORITY. Section 226 (33 U.S.C. 3022) is amended as follows:

(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate’s term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to the same governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

SEC. 2344. TEMPORARY APPOINTMENTS. Section 229 (33 U.S.C. 3029) is amended as follows:

(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments of officer candidates whose grades are lieutenant junior grade, or lieutenant, may be made by the President.

(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

(4) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.

(5) No membership on 2 successive boards.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

(6) Duties.—Each personnel board shall—

(a) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

(b) make selections and recommendations to the Secretary for the appointment, promotion, involuntary separation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

(7) Action on recommendations not acceptable.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.

SEC. 2345. DELEGATION OF AUTHORITY. Section 226 (33 U.S.C. 3022) is amended—

(1) in the fourth sentence, by striking ‘‘Director’’ and inserting ‘‘Assistant Administrator’’; and

(2) in the heading, by inserting ‘‘ASSISTANT ADMINISTRATOR OF THE’’ before ‘‘OFFICE’’.

SEC. 3843. TEMPORARY APPOINTMENTS. Section 228 (33 U.S.C. 3028) is amended as follows:

(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments of officer candidates whose grades are lieutenant junior grade, or lieutenant, may be made by the President.

(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

(4) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.

(5) No membership on 2 successive boards.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

(6) Duties.—Each personnel board shall—

(a) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

(b) make selections and recommendations to the Secretary for the appointment, promotion, involuntary separation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

(7) Action on recommendations not acceptable.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.
in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

(2) PROCEDURES.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

(i) will accept an appointment, if tendered, as an officer; and

(ii) will serve on active duty for at least 4 years immediately after such appointment.

(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

(2) procedures for determining whether such a breach has occurred.

(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).

(b) C LERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

“(Sec. 234. Officer candidates.”).

(c) OFFICER CANDIDATE DEFINED.—Section 221(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2).”

(d) PAY FOR OFFICER CANDIDATES.—Section 242 of title 37, United States Code, is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

(1) IN GENERAL.—If the Secretary determines that the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer’s well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

(2) CONSENT REQUIRED.—A deferral may only be made with the written consent of the officer involved. If the officer does not provide written consent, the officer shall be retired or separated as scheduled.

(e) DEFERMENT OF RETIREMENT OR SEPARATION. —The Secretary may make such expenditures as are necessary to ensure safe navigation; and

(f) DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111–13; 33 U.S.C. 5001 et seq.).

SEC. 3863. HOMEPORT OF CERTAIN RESEARCH VESSELS.

(a) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of obtaining such cost estimates, designs, permits, and construction as may be necessary for construction of a new port facility—

(1) to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–57; 115 Stat. 775); and

(2) that is under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere.

(b) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for the construction described in subsection (a).

(c) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of obtaining such cost estimates, designs, permits, and construction as may be necessary for construction of a new port facility—

(1) to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida; and

(2) to reduce risks to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

(3) $2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf; and

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892a) is further amended by adding at the end the following:

“(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section, not more than 5 percent is authorized for administrative costs associated with contract management.”

SEC. 3862. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall—

(1) develop and implement a system to track and report the cost of the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure services for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.”

SEC. 3861. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking “There are” and inserting the following:

“(a) IN GENERAL.—There are”;

(2) in subsection (a) (as designated by paragraph (1)—

(A) in paragraph (1), by striking “surveys,” and all that follows through the end of the paragraph and inserting “surveys, $70,814,000 for each of fiscal years 2017 through 2021;”; and

(B) in paragraph (2), by striking “vessels,” and all that follows through the end of the paragraph and inserting “vessels, $25,000,000 for each of fiscal years 2017 through 2021.”;

(C) in paragraph (3), by striking “Administ—” and all that follows through the end of the paragraph and inserting “Administration, $29,932,000 for each of fiscal years 2017 through 2021.”;

(D) in paragraph (4), by striking “title—” and all that follows through the end of the paragraph and inserting “title, $28,300,000 for each of fiscal years 2017 through 2021;”;

(E) in paragraph (5), by striking “title—” and all that follows through the end of the paragraph and inserting “title, $39,564,000 for each of fiscal years 2017 through 2021;”;

(F) in paragraph (6), by striking “Programs. Of the amount authorized by this section for each fiscal year—”;

“(1) $1,000,000 is authorized for—

(A) to acquire hydrographic data;

(B) to provide hydrographic services;”

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Striking "in support of a contingency operation under" and inserting section 1074(d)(2) of title 10, United States Code, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 710. REGULAR UPDATE OF PRESCRIPTION DRUG PRECISION STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074(d)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) With respect to the TRICARE retail pharmacy program described in section 1074(d)(2)(E)(ii), the Secretary shall ensure that a contract entered into with a TRICARE pharmacy program contractor includes requirements in section 1860D–12(b)(6) of the Social Security Act (42 U.S.C. 1395w–12(b)(6)) to ensure the provision of information regarding the pricing standard for prescription drugs."}

SA 496. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, insert the following:

(SEC. 54505) Mr. McCain (for himself and Mr. Reed) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 786, between lines 3 and 4, insert the following:

Subtitle A—Authorization of Appropriations

On page 787, strike lines 1 through 6 and insert the following:

Subtitle B—Defense Force and Infrastructure Review and Recommendations

SEC. 2711. SHORT TITLE; PURPOSE.

(a) Short Title. This subtitle may be cited as the "Defense Force and Infrastructure Review Act of 2017".

(b) Purpose. The purpose of this subtitle is to provide a fair and transparent process that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

SEC. 2712. PROCEDURE FOR MAKING RECOMMENDATIONS FOR INFRASTRUCTURE CLOSURES AND REALIGNMENTS.

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification if submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A) Subject to clause (ii), a force-structure plan for the Armed Forces based on the most recent National Military Strategy, an assessment of probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major force units (including land, force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the funding that will be available for national defense purposes during such period.

(ii) The force structure described in the force-structure plan under clause (i) shall contain, at a minimum, a Navy of 355 ships, an Air Force of 1500 combat coded aircraft, an Army of 60 brigade combat teams, and a Marine Corps of three Marine expeditionary forces, together with all enabling and supporting elements.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve components of the Armed Forces.

(C) A list of future force structure sustaining installations which are no longer needed for current force structure.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory prepared under subsection (a).

(b) Final Selection Criteria.—(1) The certification that the additional round of closures and realignments would result in substantial annual net savings for the Department of Defense following completion of such closures and realignments.

(2) The availability and condition of additional military installations.

(c) Certification of Need for Further Closures and Realignments.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory:

(A) A certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(d) Final Selection Criteria.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in subsection (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(2) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(f) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and other criteria specified in paragraphs (3) and (4).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a variety of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total
force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(E) The strategic impact of the location of an installation on operational plans, contingency plans, and missions of the combatant commander.

(3)(A) The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(i) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(ii) The economic impact on existing communities in the vicinity of military installations.

(iii) The extent with which a closure or realignment contributes to the reduction of excess infrastructure and infrastructure capacity to meet the targeted reduction established by the Secretary as required by subsection (d)(2).

(iv) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(v) The cost of mitigating the impact of any increases of such forces, missions, and personnel at receiving locations to maintain the local infrastructure that exists prior to the closure or realignment.

(vi) The environmental impact, including the impact of costs related to potential environmental remediation, infrastructure, mitigation, waste management, and environmental compliance activities.

(B) When determining the costs associated with the military construction, information technology, environmental remediation, relocation of personnel, termination of public-private contracts, guarantees, and other factors contributing to the cost of a closure or realignment as determined by the Secretary.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration for the closure or realignment of military installations under this subtitle if such installation demonstrates net savings to the Department of Defense within seven years of completing the construction of the replacement installations included in such recommendations; and

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is not consistent with the closure or realignment covered by such recommendations. The statement shall set forth the reasons for the result.

(G) For each closure or realignment, and based on an assessment of the extent of economic impact to local communities supporting the military installation to be closed, the Secretary shall determine and propose an amount to be provided to the local redevelopment agency for such installation to be used to accelerate local redevelopment activities.

(4)(A) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall make such information available to the Comptroller General of the United States for any notice referred to in such subsection.

(B) The Comptroller General shall analyze the information made available to the Comptroller General under subparagraph (A) for each recommendation. If the Comptroller General determines that the information provided by local communities and submitted by recommendations of the Comptroller General to Congress for consideration is not complete, the Comptroller General shall issue a written determination to that effect.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary in support of a recommendation for closure or realignment of a military installation, shall certify that such information is
accurate and complete to the best of that person's knowledge and belief.

B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of whichinclude personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe, regulations that the Secretary of Defense shall prescribe for personnel within that Defense Agency, and regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any action taken by the Secretary of Defense by a person described in paragraph (5)(B), regardless of the method of transmission, shall be made available for the public record and submitted in written form to the Senate and the House of Representatives to be made available to the Members of the House of Representatives in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Secretary.

(7) No military installation may be recommended for inactive status under this subsection unless the Secretary certifies that its use for future utilization is essential to meet operational plans.

(8) The Secretary shall analyze and, to the extent the Secretary considers appropriate, recommend adjustments to the alignment and closure of military installations outside the United States.

(9) Not later than October 31, 2019, the Secretary shall submit to the President a report containing a list of the military installations that the Secretary recommends for closure and realignment under this subsection, including recommendations regarding military installations outside the United States under paragraph (8).

(10) Not later than October 31, 2019, the President shall, by not later than November 15, 2019, transmit to Congress a report containing the President’s approval or disapproval of the recommendations of the Secretary under subsection (h).

(11) If the President approves all of the recommendations of the Secretary, the President shall transmit to the Congress a copy of such recommendations to Congress, together with a certification of such approval.

(12) If the President disapproves of the recommendations of the Secretary, the President shall transmit to Congress a copy of such recommendations to Congress, together with a certification of such disapproval.

(13) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations and real property are realigned, closed, or placed in an inactive status under this title shall be terminated.

SEC. 2713. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—The Secretary shall—

(1) close all military installations recommended for closure in the report transmitted to Congress by the President pursuant to section 2712(1) and approved under subsection (b);

(2) realign all military installations recommended for realignment in such report and approved under such subsection;

(3) carry out the privatization in place of a military installation recommended for closure or realignment and approved under such subsection only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations in such report and is determined by the Secretary to be the most cost-effective method of implementation of the recommendation;

(4) carry out construction activities contained in the master plan for the military installation as required under section 2712(b)(2)(D)(iii);

(5) initiate all such closures and realignments not later than two years after the date on which the President transmits the report to Congress pursuant to section 2712(1) containing the recommendations for such closures or realignments; and

(6) complete all such closures and realignments not later than the end of the five-year period beginning on the date on which the President transmits the report pursuant to section 2712(1) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL REVIEW.—The Secretary may not carry out a closure or realignment recommended in the report transmitted by the President pursuant to section 2712(1) unless a joint resolution is enacted approving that closure or realignment.

SEC. 2714. IMPLEMENTATION AND ANALYSIS

(a) USE IN MAKING ASSESSMENTS AND RECOMMENDATIONS.—In making assessments and recommendations under section 2712, the Secretary shall analyze the requirements for such closures or realignments, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, the conduct of such advance planning and design as may be required under such functions from a military installation being closed or realigned to another military installation, and may use for such purposes funds in the Department of Defense for use in planning and design, minor construction, or operation and maintenance.

(b) PROVISIONS.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required under such functions from a military installation being closed or realigned to another military installation,

(B) utilize excess property under subchapter II of chapter 47 of title 10, United States Code; and

(ii) The heads of the Defense Agencies.

(2) (A) Subject to subparagraph (B), the Secretary of Defense may transfer real property or facilities located at any military installation to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B) (i) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(ii) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation;

(iii) If the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation;

(iv) if a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State in which the installation is located and the heads of the local governments concerned for the purpose of considering the idea of the Governor and the heads of the local governments concerned for the purpose of considering the
continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(9)(A) Not later than 180 days after the date of approval of realignment or closure of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the development plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (B) and (D), the Secretary may not make a determination that any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) the date on which the redevelopment plan for the installation is submitted to the Secretary; or

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(ii) two years after the date of approval of the closure or realignment of the installation; or

(III) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) the transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for military purposes.

(III) The transfer of any proceeds from a sale or lease described in subparagraph (B)(1) of this section for consideration by the Secretary to realigned, realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

(IV) In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that such entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) The Secretary shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is used for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v) meets known requirements of an authorized Federal agency for which expenditures for similar property would be necessary; and

(vi) is the subject of a written request by the Secretary.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(G)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary, in consideration, shall take into account, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of personal property, a portion of the profits obtained over time from the development of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary determines to be appropriate.

(C) A lease under clause (i) shall be for a term of at least 30 years, but may provide for options for renewal or extension of the term by the agency concerned.

(D) A lease under clause (i) may not require a rental payment in excess of $1 per year of the term of the lease.

(E) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the end of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority.

(F) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority’s assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance coverage under the lease shall not include—

(i) municipal services that a State or local government is required to provide for all landowners in its jurisdiction without direct charge; or

(ii) firefighting or security-guard functions.

(G) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary determines appropriate to protect the interests of the United States.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary determines necessary for the effective implementation of a redevelopment plan for the installation at which such property is located.

(I) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(J) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary determines necessary to ensure that final determinations under paragraph (I) regarding whether another Federal agency has identified a use for any
portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than 180 days after the approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority, in respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for which the Secretary determines appropriate that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of the military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the impact of the proposed realignment or closure with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations located in such a manner would not be in the best interests of the communities affected by the closure or realignment of the installation.

(D)(i) A redevelopment authority may, in consultation with the Secretary of Defense, acquire any property, including real property, in connection with a redevelopment plan for the installation.

(ii) A redevelopment authority may not acquire any non-Federal real property as the location for a new or replacement Federal facility unless the Secretary has determined that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(E)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of the military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the impact of the proposed realignment or closure with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations located in such a manner would not be in the best interests of the communities affected by the closure or realignment of the installation.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests of the United States in assisting the homeless in the event that such buildings and property cease being used for any purpose.

(ii) A redevelopment plan shall include a description of the homeless assistance program that is necessary for the homeless in the communities in the vicinity of the installation, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (C) of this paragraph.

(iii) If a redevelopment plan does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(G)(i) Upon completion of a redevelopment plan for the installation, the redevelopment authority shall submit the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (C) not later than 270 days after the date specified for such notice by the redevelopment authority.

(ii) A redevelopment authority shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests of the United States in assisting the homeless in the event that such buildings and property cease being used for any purpose.

(H) A redevelopment plan shall include a description of the homeless assistance program that is necessary for the homeless in the communities in the vicinity of the installation, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (C) of this paragraph. In preparing the plan, the redevelopment authority shall include an assessment of the need for the program.

(I) The redevelopment plan shall include in an application under clause (i) the following:

(A) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (C) of this paragraph.

(B) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C) of this paragraph, together with a description of the manner, if any, in which the plan addresses the interest...
expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed interest and requests of representatives of the homeless and the need of the homeless in such communities; and

(VI) A statement identifying representatives of the homeless and the need of the homeless in such communities; and

(VII) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Except as provided in subparagraph (E)(iii), not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless, and the need of the homeless in such communities;

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation and, of existing and proposed capacity of such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the uses and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) applies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) A description of the manner in which buildings and property at the installation will be made available for homeless assistance purposes.

(iii) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iv) Not later than 30 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless;

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(J) A redevelopment authority shall submit a revised plan to the Secretary of Housing and Urban Development and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless.

(K) Upon receipt of a notice under subparagraph (H)(iv) or (J)(i) of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless, the Secretary of Defense shall—

(I) treat the buildings and property as part of the military installation under subparagraph (C)(i)(II); and

(II) notify the Secretary of Housing and Urban Development and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless.

(L) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation in accordance with the record of decision or other decision document, the Secretary shall—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(M) A redevelopment authority shall submit a revised plan to the Secretary of Housing and Urban Development and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless.

(N) Upon receipt of a notice under subparagraph (H)(iv) or (J)(i) of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless, the Secretary of Defense shall—

(I) treat the buildings and property as part of the military installation under subparagraph (C)(i)(II); and

(II) notify the Secretary of Housing and Urban Development and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless.

(O) With respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation in accordance with the record of decision or other decision document, the Secretary shall—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(P) A redevelopment authority shall submit a revised plan to the Secretary of Housing and Urban Development and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless.

(Q) Upon receipt of a notice under subparagraph (H)(iv) or (J)(i) of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless, the Secretary of Defense shall—

(I) treat the buildings and property as part of the military installation under subparagraph (C)(i)(II); and

(II) notify the Secretary of Housing and Urban Development and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development that the buildings and property at the installation are suitable for use to assist the homeless.

(4) With respect to a military installation within the period required by clause (i), the Secretary of Defense shall—

(I) dispose of the buildings and property subject to clause (i) (and, where applicable, subject to clause (ii)) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in preparing the record of decision or other decision document, the Secretary shall take into consideration the information obtained by that Secretary as a result of such actions, indicate to the Secretary of Housing and Urban Development the buildings and property at the installation that are suitable for use to assist the homeless.

(4)(i) Not later than 60 days after receiving a revised redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(4)(ii) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(4)(iii) request that each such representative submit to that Secretary the items described in clause (ii); and

(4)(iv) based on the actions of that Secretary under subparagraph (G)(ii), the Secretary of Housing and Urban Development may request under clause (iv)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless;

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purposes will assist the homeless.

(4)(v) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(5) Authorization to require that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(6) With respect to a military installation within the period required by clause (i), the Secretary of Defense shall—

(I) notify the Secretary of Housing and Urban Development of the determination of the Secretary of Defense that the buildings and property at the installation are suitable for use to assist the homeless.

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i) of section 6005 of title 42, United States Code (42 U.S.C. 47153); the Secretary of Housing and Urban Development determines that such buildings and property are suitable for use to assist the homeless.

(7) A determination that the Secretary of Defense has made under paragraph (6) shall be without consideration.
State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall give the notification to the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give due deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (i) of buildings and property shall be without consideration.

(V) In the case of a request for a conveyance under subclause (i) of buildings and property not located under subclause (i) of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the Secretary of Defense shall give the notification to the Secretary of Housing and Urban Development, and in the case of deadlines provided for under this paragraph, the Secretary of Defense shall be without consideration.

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be without consideration.

(M)(ii) If a building or property reverts to a redevelopment authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed, and otherwise has been incurred by the Secretary of Defense in carrying out this subtitle—

(1) the costs of all environmental restoration, waste management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in subparagraph (A); and

(2) the Secretary agrees to pay the difference between the fair market value of the property or facilities, and otherwise incurred by the recipient of such property or facilities is equal to the lesser of—

(A) the amount by which the costs incurred by the Secretary of Defense for the installation have been selected but before the functions are relocated.

(B) if such costs are lower than the fair market value of the property or facilities, the Secretary of Defense may make the property or facilities available for purposes other than to assist the homeless.

/(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities referred to in subparagraph (A) is also the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available for purposes other than to assist the homeless.

(e)(1) At the Secretary of Defense may be disposed of in the case of an installation, the term ‘communities in the vicinity of an installation’, in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation:

(P) For purposes of this paragraph, the term ‘other interested parties’, in the case of an installation, includes any parties entitled to be considered for the relocation or realignment of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the costs otherwise have been incurred by the recipient of such property or facilities.

(2) The Secretary of Defense may enter into agreements (including consulting, contracting, or otherwise) with local governments for the provision of police or security services, fire protection services, airfield traffic control, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Secretary.

(B) The Secretary may not exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 40, United States Code, whether or not otherwise have been incurred by the recipient of such property or facilities.

(C) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish services to the extent that professionals are available under the jurisdiction of such government.

(d) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 and the Secretary of Defense in carrying out this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall—

(i) the need for closing or realigning the military installation that has been recommended for closure or realignment;

(ii) the need for transferring functions to any military installation that has been selected as the receiving installation; or

(iii) military installations alternative to those recommended for closure or realignment.

(2) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent referred to in paragraph (1), the Secretary of Defense during the closing, realigning, or relocating of functions referred to in subparagraph (A), may not be brought more than 60 days after the date of such act or failure to act.

(e)(1)(A) Subject to paragraph (2) of this subsection and section 120(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into agreements (including consulting, contracting, or otherwise) with any person who agrees to perform field operation services, or other community services to be transferred by deed real property or facilities referred to in subparagraph (B) to assist in military installations, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and cur

(e)(2)(A) The Secretary of Defense may postpone the Secretary of Defense for the installation after the receiving installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(e)(2)(B) The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available for purposes other than to assist the homeless.

(e)(2)(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(f) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for purposes other than to assist the homeless.

(B) the amount by which the costs otherwise have been incurred by the Secretary of Defense for the installation.
will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraphs to the public or facilities. The Secretary shall provide such information before entering into the agreement.

5. Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2607 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2), except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.


(a) In General.—(1) If a joint resolution is enacted under section 2713(b), there shall be established and maintained a fund to be known as the “Department of Defense Base Closure Account 2017” (in this section referred to as the “Account”). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer from an account or other appropriated fund to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, and any funds remaining in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the report transferring such amounts to the Department of Defense.

(b) Use of Funds.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2714 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2714(a) at a military installation in support of a master plan for the military installation, the decision under section 2714(a) shall be submitted to the congressional defense committees in writing on the day on which the Secretary transmits written notice of, and justification for, such action to the congressional defense committees.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, and any funds remaining in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the report transferring such amounts to the Department of Defense.

(c) Variations.—(1) Subject to paragraphs (2) and (3), the term “appropriated funds” means funds received from a non-appropriated fund instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the convenience, contentment, or physical or mental improvement of members of the Armed Forces.

(d) Transfer.—(1) Authorization and Appropriation of Funds.—Except for amounts deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2714(a)(1) of title 10, United States Code.

(e) Account Exclusive Source of Funds for Environmental Restoration Projects.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense under section 2714 may not be used for purposes described in section 2714(a)(1) of title 10, United States Code.

(f) Authorized Cost and Scope of Work Variations.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not been duly authorized by law.
been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2685 of title 10, United States Code.

(2) The term "cost or scope variation" means an increase or decrease in cost or scope of the project or for carrying out any closure or realignment, or for carrying out any military construction project or military family housing project to be carried out with funds in the Account for the fiscal year in which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 280 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the rationale for the variation in the notification.

SEC. 2716. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.

(a) General.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive means for selecting a closure or realignment, or for carrying out any closure or realignment of a military installation inside the United States.

(b) Exception.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) Exception.—Nothing in this subtitle affects any authority of the Secretary to carry out closures and realignments to which section 2787 of title 10, United States Code, is not applicable, including closures and realignments for reasons of national security or a military emergency described in subsection (d) of such section.

SEC. 2717. DEFINITIONS.

In this title—

(1) the term "Account" means the Department of Defense Base Closure Account established by section 2713(a)(1);

(2) the term "Congressional defense committees" means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives;

(3) the term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(4) the term "realignment" includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from adjustments, reductions in personnel or funding levels, or skill imbalances.

(5) the term "Secretary" means the Secretary of Defense.

(6) the term "United States" means the 50 States, the District of Columbia, the Commonwealth of the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(b) P ROTECTION OF RETIREES UNDER CERTAIN COLLECTIVELY BARGAINED AGREEMENTS.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following new subsection:

"(h) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby the organization and employer agree to modify the terms of any previous agreement in a manner that precludes a modification or termination of retiree health insurance benefits provided to an employee or a dependent of an employee under the previous agreement, if such modification or termination occurs after the date on which the employee retires."
SA 500. Mr. CARDIN (for himself, Mr. BOOKER, Ms. HIRONO, Mr. NELSON, Mr. VAN HOLLEN, Mr. MARKEY, Mr. BROWN, Mr. CARPER, Mr. BLUMENTHAL, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRIKING PROVISIONS THAT INCREASE HEALTH DISPARITIES.

Any provision of this Act that would increase health disparities among certain populations, including disparities on the basis of race and ethnicity, socioeconomic status, gender, religion, disability status, geographic location, and sexual identity or orientation shall be null and void and of no effect.

SA 501. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Keeping Health Insurance Affordable Act of 2017”.

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

TITLE I—MARKETPLACE STABILITY AND SECURITY

Sec. 101. Individual Market Reinsurance Fund.

Sec. 102. Public health insurance option.

Sec. 103. Improved market access and affordability.

Sec. 104. Enhanced FMAP for medical assistance programs.

TITLE II—HEALTH CARE FINANCIAL SECURITY

Sec. 201. Increase in eligibility for premium assistance tax credits.

Sec. 202. Enhancements for reduced cost sharing.

TITLE III—DRUG PRICING

Sec. 301. Requiring drug manufacturers to provide drug rebates for drugs dispensed to low-income individuals.

Sec. 302. Negotiation of prices for Medicare prescription drugs.

Sec. 303. Guaranteed prescription drug benefits.

Sec. 304. Full reimbursement for qualified retiree prescription drug plans.

TITLE IV—MEDICAID COLLABORATIVE CARE MODELS

Sec. 401. Enhanced FMAP for medical assistance provided through a collaborative care model.

TITLE V—MARKETPLACE STABILITY AND SECURITY

SEC. 101. INDIVIDUAL MARKET REINSURANCE FUND.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established the “Individual Market Reinsurance Fund” to be administered by the Secretary to provide funding for an individual market stabilization reinsurance program in each State that complies with the requirements of this section.

(2) FUNDING.—There is appropriated to the Fund, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section (other than subsection (c)) for each calendar year beginning with 2018. Amounts appropriated to the Fund shall remain available without regard to fiscal or calendar year limitation to carry out this section.

(b) INDIVIDUAL MARKET REINSURANCE PROGRAM.

(1) USE OF FUNDS.—The Secretary shall use amounts in the Fund to establish a reinsurance program under which the Secretary shall make reinsurance payments to health insurance issuers with respect to high-cost individuals enrolled in qualified health plans offered by such issuers that are not grandfathered health plans, or transitional health plans for any plan year beginning with the 2018 plan year. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide payments from the Fund in accordance with this subsection.

(2) AMOUNT OF PAYMENT.—The payment made to a health insurance issuer under subsection (a) with respect to each high-cost individual enrolled in a qualified health plan issued by the issuer that is not a grandfathered health plan, and that is transitional health plan shall equal 80 percent of the lesser of—

(A) the amount (if any) by which the individual’s claims incurred during the plan year exceed—

(i) in the case of the 2018, 2019, or 2020 plan year, $50,000; and

(ii) in the case of any other plan year, $100,000; or

(B) for plan years described in—

(i) subparagraph (A)(i), $400,000; and

(ii) in the case of any other plan year, $800,000.

(3) INDEXING OF DOLLAR AMOUNTS.—The Secretary may index the dollar amounts that appear in subparagraphs (A) and (B) of paragraph (2) shall each be increased by an amount calculated by—

(A) such amount; multiplied by

(i) the premium adjustment percentage specified under section 1302(c)(4) of the Affordable Care Act, but determined by substituting “2018” for “2013”.

(4) PAYMENT METHODS.—

(A) IN GENERAL.—Payments under this subsection shall be based on such a method as the Secretary determines. The Secretary may establish a payment method by which interim payments of amounts under this subsection during a plan year based on the Secretary’s best estimate of amounts that will be payable after obtaining all of the information.

(B) REQUIREMENT FOR PROVISION OF INFORMATION.—

(i) REQUIREMENT.—Payments under this subsection to a health insurance issuer are conditioned upon the furnishing of the Secretary, in a form and manner specified by the Secretary, of such information as may be required to carry out this subsection.

(ii) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to clause (i) is subject to the HIPAA privacy and security law, as defined in section 300(b)(1) of the Public Health Service Act (42 U.S.C. 300jj–19(a)).

(C) DETERMINATION OF ELIGIBLE INDIVIDUALS.—The Secretary shall determine whether an individual is an eligible individual, with respect to each plan year, for purposes of the reinsurance program established by this section.

(D) DETERMINATION OF QUALIFIED HEALTH PLANS.—The Secretary shall determine, with respect to each plan year, whether a health plan is a qualified health plan.

(E) LIMITATION.—The Secretary shall determine whether an individual’s claims incurred during a plan year exceed—

(i) in the case of the 2018, 2019, or 2020 plan year, $50,000; and

(ii) in the case of any other plan year, $100,000; or

(F) LIMITATION.—The Secretary shall determine that the reinsurance program established by this section is in operation for each plan year.

(G) ELIGIBLE ENTITIES DEFINED.—The term “eligible entity” means—

(i) a State; or

(ii) a nonprofit community-based organization.

(b) ENROLLMENT AGENTS.—Such term includes a licensed independent insurance agent or broker that has an arrangement with a State or nonprofit community-based organization to enroll eligible individuals in qualified health plans.

(c) EXCLUSIONS.—Such term does not include an entity that—

(i) is a health insurance issuer; or

(ii) receives any consideration, either directly or indirectly, from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.

(d) PAYMENTS.—Out of any moneys in the Treasury not otherwise appropriated, $500,000,000 is appropriated to the Secretary for each of calendar years 2018 through 2020, to carry out this subsection.

(e) ANNUAL REPORT.—The Secretary shall submit a report to Congress, not later than January 21, 2019, and each year thereafter, that contains the following information for the most recently ended calendar year:

(A) The number and types of plans in each State’s individual market, specifying the number that are qualified health plans, grandfathered health plans, or health insurance coverage that is not a qualified health plan.

(B) The impact of the reinsurance payments provided under this section on the availability of coverage, cost of coverage, and coverage options in each State.

(C) The amount of premiums paid by individuals in each State’s individual market, and the average cost of coverage in the geographic area in the State’s individual market, and category of health plan (as described in subparagraph (B)), and the process used to determine the awards for outreach and enrollment activities awarded to eligible entities under subsection (c), the
(E) Such other information as the Secretary deems relevant.

(2) APPROPRIATION.—Not later than January 31, 2022, the Secretary shall submit to Congress a report that—

(A) analyzes the impact of the funds provided under this section on premiums, cost-sharing, and enrollment in the individual market in all States; and

(B) contains a State-by-State comparison of the effects of the funds on premiums, cost-sharing, and enrollment in the individual market in all States with funds provided under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

(2) FUND.—The term ‘Fund’ means the Individual Market Reinsurance Fund established under subsection (a).

(3) GRANDFATHERED HEALTH PLAN.—The term ‘grandfathered health plan’ has the meaning given that term in section 1564(e) of the Patient Protection and Affordable Care Act.

(4) HIGH-COST INDIVIDUAL.—The term ‘high-cost individual’ means an individual enrolled in a qualified health plan (other than a grandfathered health plan or a transitional health plan) who incurs claims in excess of $5,000.00 in a calendar year.

(5) STATE.—The term ‘State’ means each of the 50 States and the District of Columbia.

(6) TRANSITIONAL HEALTH PLAN.—The term ‘transitional health plan’ means a plan continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2011, in which the Secretary, in consultation with States, outlined a transitional policy for coverage in the small group market to which section 1251 of the Patient Protection and Affordable Care Act does not apply, whether under the extension of the transitional policy for coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, and February 13, 2017.

SEC. 102. PUBLIC HEALTH INSURANCE OPTION.

(a) IN GENERAL.—Part 3 of subtitle D of title XVIII of the Social Security Act (relating to Medicare) is amended by adding at the end the following new section:

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SEC. 1035. PUBLIC HEALTH INSURANCE OPTION.

(a) ESTABLISHMENT AND ADMINISTRATION OF A PUBLIC HEALTH INSURANCE OPTION.—

(1) ESTABLISHMENT.—For years beginning with 2014 and 2015, the Secretary of Health and Human Services (in this subtitle referred to as the ‘Secretary’) shall provide for the offering through Exchanges established under this title of a health benefits plan (in this Act referred to as the ‘public health insurance option’) that ensures choice, competition, and stability of affordable, high-quality coverage for all United States residents in accordance with this section. In designing the option, the Secretary’s primary responsibility is to create a low-cost plan without compromising access to care.

(2) OFFERING THROUGH EXCHANGES.—

(A) EXCLUSIVE TO EXCHANGES.—The public health insurance option shall only be made available through Exchanges established under this title.

(B) ENSURING A LEVEL PLAYING FIELD.—Consistent with this section, the public health insurance option shall comply with requirements that are applicable under this title to health benefits plans offered through such Exchanges, including requirements related to premium levels, provider network, notices, consumer protections, and cost sharing.

(3) PROVISION OF BENEFIT LEVELS.—The public health insurance option—

(i) shall offer bronze, silver, and gold plans; and

(ii) may offer platinum plans.

(4) ADMINISTRATIVE CONTRACTING.—The Secretary may enter into contracts for the purpose of performing administrative functions described in subsection (a)(4) of section 1874A of the Social Security Act with respect to the public health insurance option in the same manner as the Secretary enters into contracts under subsection (a)(1) of such section. The Secretary has the same authority with respect to the public health insurance option as the Secretary has under subsections (a)(1) and (b) of section 1874A of the Social Security Act with respect to title XVIII of such Act. Contracts under this subsection shall not involve the transfer of insurance risk to such entity.

(5) OMBUDSMAN.—The Secretary shall establish an office of the ombudsman for the public health insurance option which shall have duties with respect to the public health insurance option similar to the duties of the Medicare Beneficiary Ombudsman under section 1808(c)(2) of the Social Security Act. In addition, such office shall work with States to ensure that information and notice is provided that the public health insurance option is one of the health plans available through an Exchange.

(6) DATA COLLECTION.—The Secretary shall collect such data as may be required to establish premiums and payment rates for the public health insurance option and for other purposes under this section, including to improve quality and to reduce racial, ethnic, and other disparities in health and health care.

(b) ACCESS TO FEDERAL COURTS.—The provisions of Medicare (and related provisions of title II of the Social Security Act) relating to access of Medicare beneficiaries to Federal courts for the enforcement of rights under Medicare, including with respect to amounts in controversy, shall apply to the public health insurance option and individuals enrolled under such option under this title in the same manner as such provisions apply to Medicare and Medicare beneficiaries.

(c) PREMIUMS AND FINANCING.—

(1) ESTABLISHMENT OF PREMIUMS.—

(A) IN GENERAL.—The Secretary shall establish geographically adjusted premium rates for the public health insurance option—

(i) in a manner that complies with the requirements under paragraph (3); and

(ii) at a level sufficient to fully finance the costs of—

(I) health benefits provided by the public health insurance option;

(II) administrative costs related to operating the public health insurance option;

(B) CONTINGENCY MARGIN.—In establishing premium rates under paragraph (A), the Secretary shall include an appropriate amount for a contingency margin.

(2) ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States an account for the receipts and disbursements attributable to the operation of the public health insurance option, including the startup funding under subparagraph (B). Section 1854(g) of the Social Security Act shall apply to receipts described in the previous sentence as if such section applied to payments or premiums described in such section.

(B) START-UP FUNDING.—In order to provide for the establishment of the public health insurance option there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000. In order to provide for initial claims reserves before the collection of premiums, there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, such sums as necessary to cover 90 days worth of claims reserves based on projected enrollment.

(ii) AMORTIZATION OF START-UP FUNDING.—The Secretary shall provide for the repayment of the startup funding provided under clause (i) to the Treasury in an amortized manner over the 10-year period beginning with 2018.

(iii) LIMITATION ON FUNDING.—Nothing in this subsection shall authorize any additional appropriations to the account, other than such amounts as are otherwise provided with respect to other health benefits plans participating under the Exchange involved.

(d) INSURANCE RATING RULES.—The premium rate charged for the public health insurance option may not vary except as provided under section 2701 of the Public Health Service Act.

(e) PAYMENT RATES FOR ITEMS AND SERVICES.—

(i) RATES ESTABLISHED BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall establish payment rates for the public health insurance option that are at least equal to the rates for equivalent services and providers under parts A and B of Medicare and subject to clause (ii).

(B) INITIAL PAYMENT RULES.—

(i) IN GENERAL.—During 2018, 2019, and 2020, the Secretary shall set the payment rates under this subsection for services and payments described in clause (A) equal to the payment rates for equivalent services and providers under parts A and B of Medicare, subject to clause (ii).

(ii) EXCEPTIONS.—The Secretary may determine the extent to which Medicare adjustments applicable to base payment rates under parts A and B of Medicare for graduate medical education and disproportionate share hospitals shall apply under this section.

(f) FOR NEW SERVICES.—The Secretary shall modify payment rates described in subparagraph (B) in order to accommodate payments for services, such as well-child visits, that are not otherwise covered under Medicare.

(g) PRESCRIPTION DRUGS.—Payment rates under this subsection for prescription drugs paid for under part A or part B of Medicare shall be at rates negotiated by the Secretary.

(h) SUBSEQUENT PERIODS; PROVIDER NETWORK.—

(A) SUBSEQUENT PERIODS.—Beginning with 2021 and for subsequent years, the Secretary shall continue to use an administrative process to set such rates in order to promote affordability and the efficient delivery of medical care consistent with subsection (a)(1). Such rates shall not be set at levels expected to increase average medical costs per enrollee covered under the public health insurance option beyond what would be expected if the provisions under paragraph (1)(B) were continued, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

(B) ESTABLISHMENT OF A PROVIDER NETWORK.—Health care providers participating under Medicare are participating providers under the public health insurance option unless they opt out in a process established by the Secretary.
"(3) ADMINISTRATIVE PROCESS FOR SETTING RATES.—Chapter 5 of title 5, United States Code shall apply to the process for the initial establishment of payment rates under this subsection, including the specific methodology for establishing such rates or the calculation of such rates.

"(4) CONSTRUCTION.—Nothing in this section as a whole or as limiting the Secretary's authority to correct for payments that are excessive or deficient, taking into account the provisions of subsection (a)(1) and any other adjustments based on the demographic characteristics of enrollees covered under the public health insurance option, or the corrections shall control payments under this paragraph result in a level of expenditures per enrollee that exceeds the level of expenditures that would have occurred without paragraph (A), as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

"(5) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary to establish payment rates, including payments to provide for the more efficient delivery of services, such as initiatives provided for under subsection (d).

"(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review of a payment or benefit established under this subsection or under subsection (d).

"(d) MODERNIZED PAYMENT INITIATIVES AND DELIVERY SYSTEM REFORM.—

"(1) IN GENERAL.—For plan years beginning with 2018, the Secretary may utilize innovative payment mechanisms and policies to determine payments for items and services under the public health insurance option. The payment mechanisms and policies under this subsection include patient-centered medical home and other care management payments, accountable care organizations, value-based purchasing, bundling of services, differential payment rates, performance or utilization based payments, partial capitation, and direct contracting with providers. Payment rates under such payment mechanisms and policies shall not be set at levels expected to increase average medical costs per enrollee covered under the public health insurance option beyond what would be expected under a fee-for-service system without paragraph (A) (on a per enrollee basis) were continued, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

"(2) REQUIREMENTS FOR INNOVATIVE PAYMENTS.—The Secretary shall design and implement the payment mechanisms and policies under this subsection in a manner that—

"(I) improve health outcomes;

"(II) reduce health disparities (including racial, ethnic, and other disparities);

"(III) provide efficient and affordable care;

"(IV) address geographic variation in the provision of health services; or

"(V) reduce chronic illness; and

"(B) promotes care that is integrated, patient-centered, high-quality, and efficient.

"(3) ENCOURAGING THE USE OF HIGH VALUE SERVICES.—To the extent allowed by the benefit standards applied to all health benefits plans participating under the Exchange involved, the public health insurance option may modify cost sharing and payment rates to encourage the use of services that promote health and value.

"(4) NON-UNIFORMITY PERMITTED.—Nothing in this section shall prevent the Secretary from varying payments based on different payment structure models (such as accountable care organizations and medical homes) under the public health insurance option for different geographic areas.

"(e) PROVIDER PARTICIPATION.—

"(1) IN GENERAL.—The Secretary shall establish conditions of participation for health care providers under the public health insurance option.

"(2) LICENSURE OR CERTIFICATION.—The Secretary shall not allow a health care provider to participate in the public health insurance option unless such provider is appropriately licensed or certified under State law.

"(3) PAYMENT TERMS FOR PROVIDERS.—

"(A) PHYSICIANS.—The Secretary shall provide the annual participation of physicians under the public health insurance option, for which payment may be made for services furnished during the year, in one of 2 classes:

"(i) PREFERRED PHYSICIANS.—Those physicians who agree to accept the payment rate established under this section (without regard to cost-sharing) as the payment in full.

"(ii) PARTICIPATING, NON-PREFERRED PHYSICIANS.—Those physicians who agree not to impose charges (in relation to the payment rate described in subsection (c) for such physicians) that exceed the ratio permitted under section 1848(g)(2)(C) of the Social Security Act.

"(B) OTHER PROVIDERS.—The Secretary shall provide for the participation (on an annual or other basis specified by the Secretary) of health care providers (other than physicians) under the public health insurance option under which payment shall only be available if the provider agrees to accept the payment rate established under subsection (c) (without regard to cost-sharing) as the payment in full.

"(4) EXCLUSION OF CERTAIN PROVIDERS.—The Secretary shall exclude from participation under the public health insurance option a health care provider that is excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act).

"(5) APPLICATION OF FRAUD AND ABUSE PROVISIONS.—Provisions of law (other than criminal law provisions) identified by the Secretary by regulation, in consultation with the Inspector General of the Department of Health and Human Services, that impose sanctions with respect to waste, fraud, and abuse under Medicare, such as the False Claims Act (31 U.S.C. 3729 et seq.), shall apply to the public health insurance option.

"(6) MEDICARE DEFINED.—For purposes of this section, the term ‘Medicare’ means the health insurance programs under title XVIII of the Social Security Act.

"(b) CONFORMING AMENDMENTS.—

"(1) TREATMENT AS QUALIFIED HEALTH PLAN.—Section 1301(a)(2) of the Patient Protection and Affordable Care Act is amended—

"(A) in the heading, by inserting ‘‘, THE PUBLIC HEALTH INSURANCE OPTION, ‘‘ before ‘‘AND’’;

"(B) by inserting ‘‘the public health insurance option under section 1325, ‘‘ before ‘‘and a multi-State plan’’;

"(2) LEVEL PAYING FIELD.—Section 1324 of such Act is amended by inserting ‘‘the public health insurance option under section 1325, ‘‘ before ‘‘and a multi-State qualified health plan’’.

"(c) MEDICARE DEFINED.—For purposes of this section, the term ‘Medicare’ means the health insurance programs under title XVIII of the Social Security Act.

TITLE II—HEALTH CARE FINANCIAL ASSISTANCE

SEC. 201. INCREASE IN ELIGIBILITY FOR PREMIUM ASSISTANCE TAX CREDITS.

"(a) IN GENERAL.—Subparagraph (A) of section 36B(c)(1) of the Internal Revenue Code of 1986 is amended by striking ‘‘400 percent’’ and inserting ‘‘600 percent’’.

"(b) CONSEQUENCES.—The table contained in clause (i) of section 36B(b)(3)(A)(i) of the Internal Revenue Code of 1986 is amended by striking ‘‘400 percent’’ and inserting ‘‘600 percent’’.

"(c) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Clause (i) of section 36B(b)(2)(B) of the Internal Revenue Code of 1986 is amended—

"(1) by striking ‘‘In the case of’’ and all that follow through ‘‘the amount of’’ and inserting ‘‘The amount of’’; and

"(2) by striking ‘‘but less than 400 percent’’.

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

SEC. 202. ENHANCEMENTS FOR REDUCED COST SHARING.

"(a) MODIFICATION OF AMOUNT.—

"(1) IN GENERAL.—Section 1402(c)(2) of the Patient Protection and Affordable Care Act is amended to read as follows:

"(2) ADDITIONAL REDUCTION.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

"(A) in the case of an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan’s share of the total allowed costs of benefits provided under the plan to 95 percent of such costs; and

"(B) in the case of an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan’s share of the total allowed costs of benefits provided under the plan to 95 percent of such costs.

"(c) IN THE CASE OF AN ELIGIBLE INSURED WHOSE HOUSEHOLD INCOME IS MORE THAN 300 PERCENT BUT NOT MORE THAN 400 PERCENT OF THE POVERTY LINE FOR A FAMILY OF THE SIZE INVOLVED, INCREASE THE PLAN’S SHARE OF THE TOTAL ALLOWED COSTS OF BENEFITS PROVIDED UNDER THE PLAN TO 95 PERCENT OF SUCH COSTS.

"(d) CONFORMING AMENDMENT.—Clause (1) of section 1402(c)(1)(B) of such Act is amended to read as follows:

"(1) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan’s share of the total allowed costs of benefits provided under the plan to 95 percent of such costs; and

"(2) CONFORMING AMENDMENT.—Clause (1) of section 1402(c)(1)(B) of such Act is amended to read as follows:

"(1) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan’s share of the total allowed costs of benefits provided under the plan to 95 percent of such costs; and

"(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2017.

"(b) FUNDING.—Section 1402 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

"(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary such sums as may be necessary for payments under this section.

TITLE III—DRUG PRICING

SEC. 301. REQUIRING DRUG MANUFACTURERS TO PROVIDE DRUG REBATES FOR DRUGS DISPENSED TO LOW-INCOME INDIVIDUALS.

"(a) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

"(1) by striking subsection (e)(1), in the matter preceding subparagraph (A), by inserting ‘‘and subsection (f)’’ after ‘‘this subsection’’; and

"(2) by adding at the end the following new subsection:

"(f) PRESCRIPTION DRUG REBATE AMENDMENT FOR REREAT ELIGIBLE INDIVIDUALS.—
“(1) REQUIREMENT.—

(A) IN GENERAL.—For plan years beginning on or after January 1, 2019, in this part, the term ‘covered part D drug’ does not include any drug or biological product that is manufactured by a manufacturer that has not entered into and have in effect a rebate agreement described in paragraph (2).

(B) B ASIS REQUIREMENT.—Any drug or biological product manufactured by a manufacturer that declines to enter into a rebate agreement described in paragraph (2) for the period beginning on January 1, 2018, and ending on December 31, 2018, shall not be included as a ‘covered part D drug’ for the subsequent plan year.

(2) REBATE AGREEMENT.—A rebate agreement under this subsection shall require the manufacturer to provide to the Secretary a rebate for each rebate period (as defined in paragraph (6)(B)) ending after December 31, 2017, for any rebate eligible individual (as defined in paragraph (6)(A)) for which payment was made by a PDP sponsor or MA organization under this part for such period, including payments passed through the low-income and Extra Help subsidy amounts under sections 1860D–14 and 1860D–15(b), respectively. Such rebate shall be paid by the manufacturer to the Secretary not later than 90 days after the date of receipt of the information described in section 1860D–12(b)(7), including as such section is applied under section 1857(f), or 30 days after the receipt of information under subparagraph (D) of paragraph (3), as determined by the Secretary. Insofar as not inconsistent with this subsection, the Secretary shall establish terms and conditions of such agreement relating to compliance, penalties, and program evaluations, investigations, and audits that are similar to the terms and conditions for rebate agreements under paragraphs (3) and (4) of section 1927(b).

(3) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

(A) IN GENERAL.—The amount of the rebate specified under this paragraph for a manufacturer for a rebate period, with respect to each form, strength, and period, of any covered part D drug provided by such manufacturer and dispensed to a rebate eligible individual, shall be equal to the product of

(i) the total number of units of such dosage form and strength of the drug so provided and dispensed for rebate eligible individuals for such rebate period, divided by

(ii) the total number of units of such dosage form and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in the prescription drug plan administered by the PDP sponsor or the MA–PD plans administered by the Secretary; and

(B) MEDICAID REBATE AMOUNT.—For purposes of this subsection, the term ‘average Medicare drug program rebate eligible rebate amount’ means, with respect to each form and strength of any covered part D drug provided by a manufacturer for a rebate period, the amount, for all PDP sponsors under part D and MA organizations administering an MA–PD plan, per covered part D drug of

(i) the product, for each such sponsor or organization, of—

(A) the sum of all rebates, discounts, or other price concessions, and any amounts attributable to the rebate, discount, or other price concessions (not taking into account any rebate provided under paragraph (2) or any discounts under the program under section 1860D–14A for such dosage form and strength, and period) for such sponsor, and

(B) the average Medicare drug program rebate eligible rebate amount under this subsection for such form, strength, and period, divided by

(ii) in the case of a single source drug, the amount specified in paragraph (1)(A)(ii)(I) or (2)(C) of section 1927(c) plus the amount, if any, of the rebate provided under paragraph (2) of such section, for such form, strength, and period; or

(iii) in the case of any other covered outpatient drug, the amount specified in paragraph (3)(A)(i) of such section for such form, strength, and period.

(C) USE OF ESTIMATES.—The Secretary may establish a methodology for estimating the average Medicare drug program rebate eligible rebate amount for any such rebate, discount, or other price concession applied equally to drugs dispensed by the MA–PD plans administering rebate agreements under this subsection, or any such rebate, discount, or other price concession applied to drugs dispensed to MA–PD enrollees who are not rebate eligible individuals; and

(D) OTHER TERMS AND CONDITIONS.—The Secretary shall establish other terms and conditions of such agreement relating to compliance, penalties, and program evaluations, investigations, and audits that are similar to the terms and conditions for rebate agreements under paragraphs (3) and (4) of section 1927(b).

(4) REPORTING REQUIREMENTS.—

(A) IN GENERAL.—For purposes of the rebate period under section 1860D–2(f) for contracts beginning on or after January 1, 2019, each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan shall require that the rebate comply with subparagraphs (B) and (C).

(B) REPORT FORM AND CONTENTS.—Not later than a date specified by the Secretary, a PDP sponsor of a prescription drug plan under this part shall report to each manufacturer

(i) information (by National Drug Code number) on the total number of units of each dosage form, strength, and period of any prescription drug plan provided to rebate eligible individuals, by form, strength, and period; and

(ii) information on the price discounts, price concessions, and rebates for such drugs for such form, strength, and period.

(C) SUBMISSION TO SECRETARY.—Each PDP sponsor shall promptly transmit a copy of the information reported under subparagraph (B) to the Secretary for the purpose of aiding oversight and evaluation of each such plan.

(D) CONFIDENTIALITY OF INFORMATION.—The provisions of subparagraph (D) of section 1927(b)(3), relating to confidentiality of information, shall apply to information reported by PDP sponsors under this paragraph in the same manner that such provisions apply to information disclosed by manufacturers or wholesalers under subparagraph (D) of section 1927(b)(3), relating to confidentiality of information, and shall be treated as includ-
SEC. 303. GUARANTEED PRESCRIPTION DRUG BENEFITS.

(a) IN GENERAL.—Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended to read as follows:

“‘(1) CHOICE OF AT LEAST THREE PLANS IN EACH AREA.—Beginning on January 1, 2019, the Secretary shall ensure that each Part D eligible individual has available, consistent with paragraph (2), a choice of enrollment in—

“A (A) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b); and

“(B) at least 2 qualifying plans (as defined in paragraph (3)) in which the individual resides, at least one of which is a prescription drug plan.

“(2) REQUIREMENT FOR DIFFERENT PLAN SPONSORS.—The requirement in paragraph (1)(B) is not satisfied with respect to an area if only one entity offers all the qualifying plans in the area.

“(B) QUALIFYING PLAN DEFINED.—For purposes of this section, the term ‘qualifying plan’ means—

“(A) a prescription drug plan;

“(B) an MA-PD plan described in section 1855(a)(2)(A)(i) that provides—

“(i) basic prescription drug coverage; or

“(ii) qualified prescription drug coverage that provides prescription drug coverage so long as there is no MA monthly supplemental beneficiary premium applied under the plan, due to the application of a credit against such premium under section 1854(b)(1)(C); or

“(C) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b).”.

SEC. 304. FULL REIMBURSEMENT FOR QUALIFIED RETIREE PRESCRIPTION DRUG PLANS.

(a) ELIMINATION OF TRUE OUT-OF-POCKET LIMITATION.—Section 1860D–2(b)(4)(C)(iii) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(iii)) is amended—

“(1) in clause (III), by striking ‘or’ at the end of clause (II);

“(2) in clause (IV), by striking the period at the end and inserting ‘; and’; and

“(3) by adding at the end the following new clause:

“‘(V) amounts paid under a qualified retiree prescription drug plan (as defined in section 1860D–22(a)(2)).’.”.

(b) EQUALIZATION OF SUBSIDIES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for such increase in the special subsidy payment amounts under section 1860D–22(a)(3) of the Social Security Act (42 U.S.C. 1395w–12(a)(3)) as may be appropriate to provide for payments in the aggregate equivalent to the payments that would have been made under such section if the individuals were not enrolled in a qualified retiree prescription drug plan. In making such computation, the Secretary shall not take into account the application of the amendments made by section 1202 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2480).

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on January 1, 2019.

TITLe IV—MEDICAID COLLABORATIVE CARE MODELS

SEC. 401. ENHANCED FMAP FOR MEDICAL ASSISTANCE PROVIDED THROUGH A COLLABORATIVE CARE MODEL.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

“(1) in the first sentence of subsection (b)—

“(A) by striking ‘, and (5)’ and inserting ‘, (5), and’;

“(B) in subclause (i), by striking ‘, and’ after the semicolon; and

“(C) in subclause (ii), by striking ‘, and’ after the semicolon;

“(D) by inserting ‘, and (6) beginning January 1, 2018, the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided by a State for items and services delivered through a collaborative care model (as defined in subsection (b)) or under such model (which may be a collaborative care model) that integrates behavioral health services into primary care treatment’ before the period; and

“(2) by adding at the end the following new subsection:

“(ee) COLLABORATIVE CARE MODELS.—The term ‘collaborative care model’ means a model for providing health care to individuals which adheres to the core services described in paragraph (2) and which provides for integrated care through the model receives care from a collaborative team of providers described in paragraph (3).”.

SEC. 402. CORE SERVICES.—The services described in this paragraph are—

“(A) Comprehensive care management.

“(B) Care coordination and health promotion.

“(C) Comprehensive transitional care from inpatient settings to other settings, including appropriate follow up.

“(D) Individual and family support, which shall include authorized representatives.

“(E) Referral to community and social support services, as appropriate.

“(F) Use of behavioral health information technology to link services, as feasible and appropriate.
(3) Collaborative Health Team.—A team described in this paragraph includes the following providers:

(A) A primary care provider such as a primary care nurse, an internist, a nurse practitioner, or a physician’s assistant.

(B) Care management staff which shall include a member who is a registered professional nurse, a clinical social worker, or a psychologist, and who specializes in primary care management and is trained to provide evidence based care coordination, brief behavioral interventions, and interpret test results (including medications) initiated by a primary care physician.

(C) A psychiatric consultant who shall advise the primary care provider as necessary (either in person or remotely).

SA 502. Mr. ENZI (for Mr. HELLER (for himself and Mrs. FISCHER)) proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; as follows:

Strike subsection (c) of section 109.

SA 503. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 105 and insert the following:

SEC. 105. EMPLOYER MANDATE.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980H (and the item relating to such section in the table of sections for such chapter).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 504. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 104 and insert the following:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48 (and the item relating to such chapter in the table of chapters).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 505. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 114 and insert the following:

SEC. 105. REPEAL OF MEDICAL DEVICE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subsection E.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

SA 506. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities, defense for the Department of Energy, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3562. Requirements for Government data.

(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available by an agency shall be made available as machine-readable data.

(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and subject to privacy, confidentiality, security, and other restrictions, including any other restrictions recording to guidance issued by the Director under subsection (d)—

(1) data assets maintained by the Federal Government that—

(A) are machine-readable; and

(B) have no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

(2) the term ‘Director’ means the Director of the Office of Management and Budget; and

(c) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsection (b) including—

(1) the term ‘open license’ means a legal license that—

(A) is available in an open format; and

(B) is available under open licenses;

(2) open Government data assets published either in or as open data shall be made available under open licenses;

(3) 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;

(4) the expectation 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

(5) any other considerations that the Director determines to be relevant.
"(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is available to the public.

(F) Open data assets include—

(1) metadata about agency data assets;

(2) information resources management, each agency shall—

(a) ensure that all data assets are available to the public online; and

(b) receive public input regarding priorities for the disclosure of data assets to be published; and

(c) ensure that the agency maintains the production and publication of data assets which are subject to any privacy, confidentiality, and intellectual property rights, as required under subsection (a)(2); and

(d) may engage in the use of open Government data assets and encourage collaboration by—

(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

(B) receiving public input regarding priorities for the disclosure of data assets to be published;

(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

§ 3565. Additional agency data asset management responsibilities

"The Chief Information Officer of each agency, or other appropriate official designated by the agency, in collaboration with other internal agency stakeholders, is responsible for—

(1) data asset management, format standardization, and documentation of data assets, and publishing of data assets for the agency; and

(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3566; and

(3) ensuring that agency data conforms with open data best practices;

(4) engaging agency employees, the public, the Congress, and the public with respect to information dissemination, each agency—

(a) shall provide access to open Government data assets that are available to the public online; and

(b) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are subject to any privacy, confidentiality, and intellectual property rights, and implement procurement standards, in accordance with existing law, regulation, and policy, that sufficiently protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

(c) may engage in the use of open Government data assets and encourage collaboration by—

(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

(B) receiving public input regarding priorities for the disclosure of data assets to be published;

(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

§ 3566. Federal Data Catalog Required.—The Director shall issue guidance issued by the Director under section 3562(d) in determining whether to make data assets included in the Enterprise Data Inventory of the agency publicly available in an open format and under license.

"(c) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—The Director shall issue guidance for each Enterprise Data Inventory, including a requirement that an Enterprise Data Inventory includes a compilation of metadata about agency data assets.

(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency shall—

(1) make the Enterprise Data Inventory of the agency available to the public on the Federal Data Catalog required under section 3566;

(2) shall ensure that access to the Enterprise Data Inventory of the agency and the data contained therein is consistent with applicable law, regulation, and policy; and

(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 90 days after the date of enactment of this section; and

(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

§ 3564. Federal agency responsibilities

"(a) INFORMATION RESOURCES MANAGEMENT.—With respect to information resources management, each agency shall—

(1) improve the integrity, quality, and utility of information to all users within and outside the agency, including—

(A) using open format for any new open Government data asset created or obtained on or after the date that is 1 year after the date of enactment of this section; and

(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

(2) in consultation with the Director, develop an open data plan that, at a minimum and subject to information technology infrastructure of the agency and the impact of the infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

(3) ensuring that the agency maintains the production and publication of data assets which are subject to any privacy, confidentiality, and intellectual property rights, and implement procurement standards, in accordance with existing law, regulation, and policy, that sufficiently protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

(4) may engage in the use of open Government data assets and encourage collaboration by—

(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

(B) receiving public input regarding priorities for the disclosure of data assets to be published;

(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

§ 3565. Additional agency data asset management responsibilities

"The Chief Information Officer of each agency, or other appropriate official designated by the agency, in collaboration with other internal agency stakeholders, is responsible for—

(1) data asset management, format standardization, and documentation of data assets, and publishing of data assets for the agency; and

(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3566; and

(3) ensuring that agency data conforms with open data best practices;

(4) engaging agency employees, the public, the Congress, and the public with respect to information dissemination, each agency—

(a) shall provide access to open Government data assets that are available to the public online; and

(b) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are subject to any privacy, confidentiality, and intellectual property rights, and implement procurement standards, in accordance with existing law, regulation, and policy, that sufficiently protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

(c) may engage in the use of open Government data assets and encourage collaboration by—

(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

(B) receiving public input regarding priorities for the disclosure of data assets to be published;

(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.
(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 advocacy.

(D) The extent to which the agency uses methods and combinations of methods that are aligned with divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research approaches.

(E) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and daily operating activities, and to develop and disseminate information needed to improve agency capacity to evaluate techniques and data to support evaluation efforts.

(G) Online Repository and Additional Reports.—

(1) Repository.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository for open data practices, and schema standards to facilitate the adoption of open data practices, which shall:

(A) include definitions, regulation and policy, case studies related to open data, this section, and the amendments made by this section; and

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(2) GAO Report.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Oversight on Government Reform of the House of Representatives a report that identifies:

(A) the value of information made available by open data practices related to open data, this section, and the amendments made by this section;

(B) whether it is valuable to expand the publicly available information to other data assets; and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 5363 of title 44, United States Code, as added by subsection (c).

(3) Biennial OMB Report.—Not later than 1 year after the effective date of this section, and every 2 years after the date of enactment of this Act, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this section and the amendments made by this section.

(4) Agency CIO Report.—Not later than 1 year after the effective date of this section and every year thereafter, the Chief Information Officer of each 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 a report on compliance with the requirements of this section and the amendments made by this section, including one or more recommendations that the agency could not meet and what the agency needs to comply with those requirements.

(f) Guidance.—The Director of the Office of Management and Budget shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Management and Budget the authority to jointly issue guidance required under this section.

(g) National Security Systems.—This section and the amendments made by this section shall not apply to data assets that are contained in a national security system, as defined in section 1103 of title 40, United States Code.

(h) Rule of Construction.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of records that may be withheld from public disclosure under any provision of Federal law, including section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”) and section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”).

(i) Effective Date.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 507. Mr. CARDIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 3684, To amend the Budget and Accounting Act of 1974, for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Subtitle — Syrian War Crimes Accountability Act of 2017

SEC. 12. SHORT TITLE.

This subtitle may be cited as the “Syrian War Crimes Accountability Act of 2017”.

SEC. 12. FINDINGS.

Congress makes the following findings:

(1) March 2017 marks the sixth year of the ongoing conflict in Syria.

(2) As of February 2017—

(A) more than 600,000 people are living under siege as a result of this conflict and the amendments made by this section; and

(B) approximately 6,900,000 people are displaced from their homes inside Syria; and

(C) approximately 4,900,000 Syrians have fled to neighboring countries as refugees.

(3) Since the conflict in Syria began, the United States has provided more than $5,800,000,000 to meet humanitarian needs in Syria, making the United States the world’s single largest donor by far to the Syrian humanitarian response.

(4) In response to growing concerns over Syrian war crimes violations in Syria, the Independent International Commission of Inquiry on the Syrian Arab Republic (referred to in this section as “COI”) was established in 2014 by resolution 2242 of the Security Council to “investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable”.


(6) The 2016 United States Commission on International Religious Freedom Annual Report states that in Syria “[r]eports have emerged from all groups, including Muslims, Christians, Ismailis, and others, of gross human rights violations, including beheading, rape, murder, torture of civilians and religious figures, and the destruction of mosques and churches.”.

(7) On February 7, 2017, Amnesty International reported that between 5,000 and 13,000 people were extra judicially executed in the Sayyida Zeinab Military Prison between September 2011 and December 2016.

(8) In February 2017, COI released a report stating that a joint United Nations-Syrian Arab Red Crescent convoy in Orum al-Kubra, Syria, was attacked by air on September 19, 2016; and

(9) On October 21, 2016, the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism transmitted its fourth report, which concludes that the Syrian Arab Republic and the Islamic State in Iraq and Syria (ISIS) have both used chemical weapons against villages in Syria.

(10) On August 11, 2016, COI released a report stating that certain offenses, including deliberately attacking hospitals, executions without due process, and the massive and systematic nature of deaths in state-controlled detention facilities in Syria, constitute war crimes and crimes against humanity.

(11) Physicians for Human Rights reported that, between March 2011 and the end of December 2016, Syrian government and allied forces—

(A) used $5,900,000,000 to meet humanitarian needs in Syria,

(B) had killed 735 medical personnel,

(C) had committed 422 attacks on medical facilities (including through the use of indiscriminate barrel bombs on at least 80 occasions); and

(D) had killed 735 medical personnel.

(12) The Department of State’s 2016 Country Reports on Human Rights Practices—

(A) details President Bashar al-Assad’s use of “indiscriminate and deadly force against civilians, conducting air and ground-based military assaults on cities, residential areas, and civilian infrastructure”;

(B) explains that “any attacks included bombardment with improvised explosive devices, commonly referred to as ‘barrel bombs’”; and

(C) reports that “[t]he government [of Syria] continued the use of torture and rape, including of children”.

(13) On March 14, 2017, the Independent International Commission of Inquiry on the Syrian Arab Republic released its third report on the conflict in Syria stating that “the regime and its allies have not only committed serious human rights violations but also war crimes, crimes against humanity, and crimes under international law”.

(14) On December 15, 2016, the Syrian Arab Red Crescent convoy in Orum al-Kubra, Syria, was attacked by air on September 19, 2016, by the Syrian air force.

(15) On August 11, 2016, COI released a report stating that certain offenses, including deliberately attacking hospitals, executions without due process, and the massive and systematic nature of deaths in state-controlled detention facilities in Syria, constitute war crimes and crimes against humanity.

(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 advocacy.

(D) the extent to which the agency uses methods and combinations of methods that are aligned with divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research approaches.

(E) the extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) the extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and daily operating activities, and to develop and disseminate information needed to improve agency capacity to evaluate techniques and data to support evaluation efforts.

(G) the extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and daily operating activities, and to develop and disseminate information needed to improve agency capacity to evaluate techniques and data to support evaluation efforts.
(13) On March 17, 2016, Secretary of State John Kerry stated: “In my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims. The United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to ensure that the perpetrators are held accountable.”.

(14) In February 2016, COI reported that—

(A) “crimes against humanity continue to be committed by [Syrian] Government forces and by ISIS”;

(B) the Syrian government has “committed the crimes against humanity of extermination, murder, bodily harm or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts”;

(C) “[a]ccountability for these and other crimes must form part of any political solution”;

(15) Credible civil society organizations collecting evidence of war crimes, crimes against humanity, and genocide in Syria report that at least 12 countries in western Europe and North America have requested assistance on the matter.

SEC. 12. 5. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.

(i) In General.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the enactment of this Act and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

(ii) Elements.—The reports required under subsection (a) shall include—

(A) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

(1) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all abuses committed by violent extremist groups and other combatants involved in the civil war in Syria;

(2) expresses its support for efforts to reach a negotiated settlement to the Syrian conflict; and

(B) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(iii) a description and assessment by the Department of State Office of Global Criminal Justice, the United States Agency for International Development, the Department of Justice and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, all forces fighting on its behalf;

(C) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(D) any incidents that may violate the principle of military neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

(iv) a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(v) A report on the feasibility and support should be offered, to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

SEC. 12. 6. TRANSITIONAL JUSTICE STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report on why such mechanisms should be supported, and what type of support should be offered, to—

(A) identify suspected perpetrators of war crimes, crimes against humanity, and genocide, and—

(B) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence.

SEC. 12. 7. TECHNICAL ASSISTANCE AUTHORIZED.

(i) In General.—The Secretary of State, acting through appropriate officials and offices, may include the Office of Global Criminal Justice, after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all non-state armed groups fighting in the country, pursuing violent extremist groups in Syria beginning in March 2011—

(A) to train investigators within and outside of Syria on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

(1) the number of United States Government or contractor personnel currently designated to work full-time on these issues; and

(2) the identification of the authorities and appropriate agencies using to support such training efforts;

(B) to promote and prepare for a transitional justice process or processes for the perpetrators of crimes against humanity, and genocide in Syria, beginning in March 2011;
domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;
(5) support investigations by third-party states and appropriate international mechanisms;
(6) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.
(b) PREVENTIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under section 12–6, is authorized to provide assistance to support the continuation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.
(c) BRIEFING.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in subsection (a).

SEC. 12–8. STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.

Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2761(b)) is amended by inserting “committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011” after “genocide.”

SEC. 12–9. INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.

The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the voice, vote, and influence of the United States at the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

SA 508. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of the Interior, for fiscal year 2018, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 12. REVIEW OF UNITED STATES NUCLEAR AND RADIOLOGICAL TERRORISM PREVENTION STRATEGY.

(a) IN GENERAL.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall enter into an arrangement with the National Academy of Sciences to assess and recommend improvements to the strategies of the United States for preventing, countering, and responding to nuclear and radiological terrorism, specifically terrorism involving the use of nuclear weapons, improvised nuclear devices, or radiological dispersal or exposure devices, or the sabotage of critical infrastructure.

(b) REVIEW.—The assessment conducted under subsection (a) shall address the adequacy of the strategies of the United States described in paragraph (1) with respect to the prevention and response to—

(1) identifying national and international nuclear and radiological terrorism risks and critical emerging threats;
(2) preventing state and non-state actors from acquiring technologies, materials, and critical expertise needed to mount nuclear or radiological attacks;
(3) countering efforts by state and non-state actors to such attacks;
(4) responding to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences; and
(5) other important matters identified by the National Academy of Sciences that are directly relevant to those strategies.

(c) RECOMMENDATIONS.—The assessment conducted under subsection (a) shall include recommendations to the Secretary of Energy, Congress, and each other Federal entity as the National Academy of Sciences considers appropriate, for preventing, countering, and responding to nuclear and radiological terrorism, including recommendations for—

(1) closing technical, policy, or resource gaps;
(2) improving cooperation and integration activities with the Federal, State, and tribal governments;
(3) improving cooperation and partnerships with the United States and other countries and international organizations;
(4) other important matters identified by the National Academy of Sciences that are relevant to the strategies of the United States described in subsection (a).

(d) LIAISONS.—The Secretary of Energy, the Secretary of the Army, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall appoint appropriate liaisons to the National Academy of Sciences with respect to supporting the timely conduct of the assessment required by subsection (a).

(e) ACCESS TO MATERIALS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall appoint appropriate liaisons to the National Academy of Sciences with respect to providing access to materials in the possession of the National Academy of Sciences that are necessary for the conduct of the assessment required by subsection (a).

SA 509. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 12B. FACILITIES DEMOLITION PLAN OF THE ARMY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a facilities demolition plan of the Army that does the following:

(1) Takes into account the impact of a contaminated facility on mission readiness, and national security generally, in establishing priorities for the demolition of facilities.
(2) Sets forth a multi-year plan for the demolition of contaminated facilities given afforded a priority for demolition pursuant to paragraph (1).
(C) identify economic and infrastructure development opportunities in Afghanistan related to improving security and stability in Afghanistan; and

(D) identify means of improving the coordination and delivery of humanitarian assistance and disaster relief capabilities to Afghanistan by the Afghanistan, India, and United States military in order to improve joint military response to current and anticipated humanitarian needs in Afghanistan; and

(2) advocate for necessary capabilities, especially to meet critical, short-term needs identified by the commander of United States forces participating in Operation Resolute Support in Afghanistan.

SA 512. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. PARENTAL LEAVE FOR MEMBERS OF THE ARMED FORCES.

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); (2) by redesignating subsection (k) as subsection (j); and

(3) by inserting after subsection (h) the following subsection (i):

"(i) A member of the armed forces, regardless of gender or marital status, shall be authorized to take at least 84 days of parental leave in connection with—

"(A) the birth of a child of the member;

"(B) a qualifying adoption of a child by the member; or

"(C) the placement of a child in foster care with the member.

"(2) In the case of a dual military family, both members of the armed forces shall be authorized to take parental leave in connection with this subsection. The Secretary concerned shall permit the transfer of such leave between the two members to accommodate individual family circumstances.

"(3) For the purpose of parental leave under this subsection, an adoption of a child by a member of the armed forces is a qualifying adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

"(4) Parental leave under paragraph (1) is in addition to other leave provided under other provisions of this section or under other laws. Nothing in this subsection prevents the Secretary concerned from authorizing convalescent leave for a female member of the armed forces as necessary prior to or subsequent to the delivery of her child. Convalescent or other leave taken before childbirth by a pregnant member shall not reduce the number of days of parental leave available to the member under this subsection.

"(5) The Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to implement this subsection, which shall be uniform for the armed forces.".

SA 513. Mr. MCCAIN (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. REPORT ON DEFENSE OF COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES.

(a) Report Required.—Not later than January 1, 2018, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defense of combat logistics and strategic mobility forces.

(b) Covered Periods.—The report required by subsection (a) shall cover two periods:

(1) The period from 2018 through 2025.

(2) The period from 2026 through 2035.

(c) Elements.—The report required by subsection (a) shall include, for each of the periods covered by the report, the following:

(1) A description of potential warfighting planning scenarios in which combat logistics and strategic mobility forces will be threatened, including the most stressing such scenario.

(2) A description of the combat logistics and strategic mobility forces capacity, including additional combat logistics and strategic mobility forces, that may be required due to losses from attacks under each scenario described pursuant to paragraph (1).

(3) A description of projected capability and capacity of subsurface (e.g., torpedoes), surface (e.g., anti-ship missiles), and air (e.g., anti-ship missiles) threats to combat logistics and strategic mobility forces for each scenario described pursuant to paragraph (1).

(4) A description of planned operating concepts for defending combat logistics and strategic mobility forces from subsurface, surface, and air threats for each scenario described pursuant to paragraph (1).

(5) An assessment of the availability and availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1) for accomplishing other assigned missions, for each scenario described pursuant to that paragraph.

(6) A description of specific capability gaps or risk areas identified pursuant to paragraph (1), including the most stressing such scenario.

(7) A description and assessment of potential solutions to address the capability gaps and risk areas identified pursuant to paragraph (1), including the most stressing such scenario.

"(d) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

"(e) Combating the Proliferation of the Proliferated Threats: Combat Logistics and Strategic Mobility Forces Defined.—In this section, the term ‘combat logistics and strategic mobility forces’ means the combat logistics force, the Ready Reserve Force, and the Military Sealift Command surge fleet.

SA 514. Mr. REED (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. REPORT ON THE CIRCUMSTANCES SURROUNDING THE 2016 ATTACKS ON THE U.S.S. MASON.

Not later than March 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the circumstances surrounding the attacks in 2016 on the U.S.S. Mason (DDG-87).

SA 515. Mr. MARKEY (for himself, Mr. CARDOZo, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. NULLIFICATION OF CERTAIN PROVISIONS.

If the Congressional Budget Office determines that the provisions of, or the amendments made by, this Act would reduce Federal Medicaid spending and reduce taxes for the bottom 1 percent of Americans, such provisions or amendments shall be null and void and this Act shall be applied and administered as if such provisions and amendments had not been enacted.

SA 516. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 6. REQUIREMENTS RELATING TO MULTI-USE, COMPARTMENTED INFORMATION FACILITIES.

In order to facilitate access for small business concerns and nontraditional contractors to affordable secure spaces, the Secretary of Defense shall develop the processes and procedures necessary to build, certify, and maintain certifications for multi-use sensitive compartmented information facilities not tied to a single contract and where multiple companies can work on multiple projects at different security levels securely.

SA 517. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
SEC. . SENSE OF CONGRESS ON NATIONAL SPACE DEFENSE CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States is a warfighting domain.

(2) Deterrence of adversaries of the United States, preserving the space domain, and defending against threats to space systems requires coordination across the Department of Defense, including the military departments, and the intelligence community.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the National Space Defense Center is critical to defending and securing the space domain in order to protect all United States assets in space;

(2) integration between the intelligence community and the Department of Defense within the National Space Defense Center is essential to detecting, assessing, and reacting to evolving space threats; and

(3) the Department of Defense, including the military departments, and the elements of the intelligence community should seek ways to bolster integration with respect to space threats through work at the National Space Defense Center.

SEC. . REQUIREMENT FOR FOREIGN MILITARY FINANCING PROVIDED AS GRANTS.

(a) IN GENERAL.—Financing provided to a country or international organization pursuant to the authority of section 23 of the National Security Act of 1947 (50 U.S.C. 3003(4)) for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . COMPREHENSIVE STRATEGY TO ASSIST GOVERNMENT OF NIGERIA EFFORTS TO FIGHT ISLAMIC EXTREMISM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for the next three fiscal years, the President shall submit to the appropriate congressional committees a report that contains a comprehensive strategy to support Nigeria’s efforts to counter Boko Haram through engagement with the Nigerian security sector.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment conducted by the Office of the Director of National Intelligence of the major obstacles to Nigeria’s military effectiveness in northeast Nigeria, including recommendations for United States Government diplomatic actions and security cooperation programs and activities to address such obstacles and a description of funding needs and actions that must be taken by the Government of Nigeria to address such obstacles;

(2) an assessment of the efforts taken by the Nigerian military to hold soldiers accountable for human rights violations, including the Zaria massacre;

(3) a place for the United States Government to work to help the Government of Nigeria increase its capacity to investigate and prosecute human rights abuses and to effectively try cases through transparent mechanisms;

(4) a description of all security cooperation currently being provided to the Nigerian armed forces, as a description of current deployment of uniformed personnel currently assisting with counter-Boko Haram efforts in the Lake Chad Basin and a description of their location and their responsibilities; and

(5) any other matters the President deems appropriate.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form with a classified annex.

SEC. . CALCULATION OF THE COST OF DROP-IN FUELS.

Section 2922h of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) INCLUSION OF FINANCIAL CONTRIBUTIONS FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—For purposes of calculating the fuel consumption cost under subsection (a), for a proposed purchase to be made on or after the beginning of fiscal year 2022, the Secretary of Defense shall include in such calculation any financial contributions made by other Federal departments and agencies."

SEC. . REPORT ON AIRPORTS USED BY MAHARAJA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, 300 people, and has publicly issued the findings of the inquiry into the January 2016 bombing in Rann.

SEC. . APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 520. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 21, insert “and constructed in a Flight IIA configuration” before “using”.

SA 521. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 522. Mr. CORNYN (for himself, Mr. BLUMENTHAL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SA 523. Mr. MAHARAJA submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:
and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landing fees paid to or collected by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

SA 523. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

(a) In general.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall include the same area by reason of combat zone-certified wounds, etc., as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status);

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces);

(3) Section 692 (relating to income taxes of members of Armed Forces on death);

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone); and

(b) Qualifying hazardous duty area.—For purposes of this section, the term ‘qualified hazardous duty area’ means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger pay; and service in a combat zone). Such term includes such location only during the period such entitlement is in effect.

SEC. 6. EFFECTIVE DATE.—

(a) In general.—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(b) Transition.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SA 524. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. 6. UPGRADE OF M113 VEHICLES.

No amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended to upgrade Army M113 vehicles until the Secretary of the Army submits to the Committees on Appropriations of the Senate and the House of Representatives a report setting forth the strategy of the Army for the upgrade of such vehicles. The report shall include the following:

(1) A detailed strategy for upgrading and fielding M113 vehicles.

(2) An analysis of the manner in which the Army plans to address M113 vehicle survivability and maneuverability concerns.

(3) An analysis of the historical costs associated with upgrading M113 vehicles, and a validation of current cost estimates for upgrading such vehicles.

(4) A comparison of total procurement and life cycle costs of adding an echelon above brigade (EAB) to the Army’s Multi-Purpose Vehicle (AMPV) with total procurement and life cycle costs of upgrading legacy M113 vehicles.

(5) An analysis of the possibility of further accelerating Army Multi-Purpose Vehicle production or modifying the current fielding strategy for the Army Multi-Purpose Vehicle to meet near-term echelon above brigade requirements.

SEC. 7. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) Grant Program.—

(1) Establishment.—The Secretary, in accordance with the agreement entitled the ‘‘Agreement Between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters’’, done at Jerusalem May 29, 2008 (or successor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to support cybersecurity research and development; and

(b) Demonstration and commercialization of cybersecurity technology.

(2) Requirements.—

(A) Applicability.—Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, the Secretary shall require cost sharing in accordance with this paragraph.

(B) Research and development.—

(i) In general.—Except as provided in clause (ii), the Secretary shall require not less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity described in subparagraph (A) to be provided by a non-Federal source.

(ii) Reduction.—The Secretary may reduce or eliminate, on a case-by-case basis, the percentage requirement specified in clause (i) if the Secretary determines that such reduction or elimination is necessary and appropriate.

(iii) Report review.—In carrying out a review under subparagraph (C), the Secretary may use merit review processes developed under section 302(14) of the Homeland Security Act of 2002 (42 U.S.C. 18214).

(C) Eligible applicants.—An applicant shall be eligible to receive a grant under this subsection if the project of such applicant—

(A) addresses a requirement in the area of cybersecurity research or cybersecurity technology, as determined by the Secretary; and

(B) is a joint venture between—

(1) a for-profit business entity, academic institution, National Laboratory (as defined in section 622 of the Energy Independence and Security Act of 2007 (42 U.S.C. 18601)), or nonprofit entity in the United States; and

(2) a foreign business entity, academic institution, or nonprofit entity in Israel; or

(ii) the Federal Government; and

(ii) the Government of Israel.

(iv) Applications.—To be eligible to receive a grant under this subsection, an eligible applicant shall submit to the Secretary an application for such grant in accordance with procedures established by the Secretary, in consultation with the appropriate advisory board established under paragraph (5).

(D) Advisory board.—

(1) Establishment.—The Secretary shall establish an advisory board to—

(i) monitor the method by which grants are awarded under this subsection; and

(ii) provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(2) Composition.—The advisory board established under subparagraph (A) shall be composed of three members, to be appointed by the Secretary, of whom—

(i) one shall be a representative of the Federal Government;

(ii) one shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and
and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 3. PLAN ON IMPROVEMENT OF ABILITY OF FOREIGN GOVERNMENTS PARTICIPATING IN UNITED STATES INSTITUTIONAL CAPACITY BUILDING PROGRAMS TO PROTECT CIVILIANS.

(a) REPORT ON PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report setting forth a plan, to be implemented as part of each institutional capacity building program required by section 383(c)(4) of title 10, United States Code, to improve the ability of foreign governments to protect civilians.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Efforts to develop and integrate civilian harm mitigation principles and techniques in all relevant partner force standard operating procedures.

(2) Efforts to build partner capacity to collect, track, and analyze civilian casualty data and apply lessons learned to future operations, and mitigate harm to civilians harmed by partner force operations.

(3) Efforts to support enhanced investigatory and accountability standards in partner forces to ensure compliance with the laws of armed conflict and appropriate human rights and civilian protection standards.

(4) Support for increased partner transparency, including support for the establishment of civilian affairs units within partner militaries to improve communication with the public.

(5) An estimate of the resources required to implement the efforts and support described in paragraphs (1) through (4).

(6) A description of the appropriate roles of the Department of Defense and the Department of State in such efforts and support.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘‘appropriate committees of Congress’’ means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.
Executive Agent, and the Credentialing Executive Agent.
(D) That common components of technology systems between the Defense Security Service and National Background Investigations Bureau have been tested and are operational.
(E) That the background investigation program has continued to adhere to the workforce analysis, timeliness, and quality standards established by law and by the Security Executive Agent, the Suitability Executive Agent, and the Credentialing Executive Agent.

(2) WORKFORCE ANALYSIS.—The Secretary shall include with the certifications described in paragraph (1) a workforce analysis of the appropriate mix of contractor and Federal employees to conduct the background investigation work for the Department.

SA 531. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 710. ELIGIBILITY FOR CERTAIN HEALTH CARE BENEFITS OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY TO SUPPORT MISSIONS IN SUPPORT OF THE CONTINENTAL COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking “in support of a contingency operation under” and inserting “under section 1230b of this title or”.

(b) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of such title is amended by striking “in support of a contingency operation” and inserting “under section 1230b of this title or a provision of law referred to in section 101(a)(13)(B) of this title”.

SA 534. Mrs. CAPITO (for herself, Mr. CORNYN, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 2910, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. 628. REDUCED AGE FOR ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE FOR SERVICE ON ACTIVE DUTY OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE CONTINENTAL COMMANDS.

Section 12731(b)(2)(B)(i) of title 10, United States Code, is amended by striking “under a provision of law referred to in section 101(a)(13)(B) or under a provision of law referred to in section 101(a)(13)(B)” and inserting “under section 1230b of this title or a provision of law referred to in section 101(a)(13)(B)”.

SA 535. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2910, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, insert the following after line 13:

“(5) ADJUSTMENTS TO STATE EXPENDITURES TARGETS TO PROMOTE PROGRAM EQUITY ACROSS STATES.—

(A) IN GENERAL.—Beginning with fiscal year 2020, the target per capita medical assistance expenditures for a 1903A enrollee category, State, and fiscal year, as determined under paragraph (2), shall be adjusted (subject to subparagraph (C)(i)) in accordance with this paragraph.

(B) ADJUSTMENT BASED ON LEVEL OF PER CAPITA SPENDING FOR 1903A ENROLLEE CATEGORY.—Subject to subparagraph (C), with respect to a State, fiscal year, and 1903A enrollee category, if the State’s per capita medical assistance expenditures (as defined in subparagraph (D)) for the State and category in the preceding fiscal year—

(i) exceed the mean per capita categorical medical assistance expenditures for such category for the fiscal year involved by a percentage that shall be determined by the Secretary which shall be less than 0.5 percent or greater than 3 percent; or

(ii) are less than the mean per capita categorical medical assistance expenditures for such category for the fiscal year involved by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 3 percent.

(C) REGULATION.—

(i) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States’ target per capita medical assistance expenditures for a category and fiscal year under this paragraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such fiscal year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such fiscal year.

(ii) ASSUMPTION REGARDING STATE EXPENDITURES.—For purposes of clause (i), in the case of a State that has its target per capita medical assistance expenditures for a 1903A enrollee category and fiscal year increased under this paragraph, the Secretary shall assume that the categorical medical assistance expenditures (as defined in subparagraph (D)(ii)) for such State, category, and fiscal year will equal such increased target medical assistance expenditures.

(iii) NON-APPLICABILITY TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile, based on the most recent data available from the Bureau of the Census.

(iv) DISREGARD OF ADJUSTMENT.—Any adjustment under this paragraph to target medical assistance expenditures for a State, 1903A enrollee category, and fiscal year shall be disregarded when determining the target medical assistance expenditures for such State and category for a succeeding year under paragraph (2).

(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In fiscal years 2020 and 2021, the Secretary shall apply this paragraph by deeming all categories of 1903A enrollees to be a single category.

(D) PER CAPITA CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—

(i) IN GENERAL.—In this paragraph, the term ‘per capita categorical medical assistance expenditures’ means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to—

(I) the categorical medical expenditures (as defined in clause (i)) for the State, category, and year; divided by

(II) the number of 1903A enrollees for the State, category, and year.

(ii) CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—The term ‘categorical medical assistance expenditures’ means, with respect to a State, 1903A enrollee category, and fiscal year involved in computing the total medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that are attributable to 1903A enrollees in the category, the sum of all categorical medical assistance expenditures (as defined in paragraph (3)) for the State and fiscal year that are attributable to 1903A enrollees in the category.

SA 533. Mrs. CAPITO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 2910, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 498, beginning on line 1, strike “12.6 percent” and insert “10 percent”.

SA 536. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2910, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the end of subsection E of title V, add the following:

SEC. 1270E. REPORT ON DESIGNATION OF GOVERNMENT OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—Congress makes the following findings:


(2) On October 11, 2008, North Korea’s designation as a state sponsor of terrorism was rescinded, following commitments by the Government of North Korea to dismantle its nuclear weapons program. However, North Korea has failed to live up to these commitments.

(b) Report.—Not later than October 22, 2015, the U.S. Special Representative for North Korea Policy with the Department of State testified before the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade that North Korea’s “conduct poses a growing threat to the United States, our friends in the region, and the nonproliferation regime” and the Deputy Coordinator for Homeland Security, Screening, and Designations with the Department of State noted that “sanctions targeting nonproliferation or missile control regimes could be a relevant factor for consideration, depending on the circumstances, consistent with the statutory requirement”.

(c) Reports to Congress.—Not later than December 1, 2016, and December 1, 2017, the U.S. Special Representative for North Korea Policy with the Department of State submit to the Committees on Foreign Relations and Intelligence of the Senate, and the Select Committee on Intelligence of the House of Representatives, a report on the status of the North Korean government’s implementation of the United States-Led North Korea Denuclearization Process Framework Agreement (June 2005) and comply with the requirements of section 1270A of the Trade Sanctions Reform and Export Enhancement Act of 2000.

SEC. 1270F. FROZEN ASSETS RELATING TO CERTAIN IRANIAN PERSONS.

(a) WITHDRAWAL OF REIMBURSEMENT.—With respect to any potential confirmation of the United States-Led North Korea Denuclearization Process Framework Agreement (June 2005) and the implementation of the Joint Comprehensive Plan of Action, the Secretary shall not use any funds authorized by section 1270A of the Trade Sanctions Reform and Export Enhancement Act of 2000 to reimburse any person or entity for any expenses incurred in connection with the implementation of the United States-Led North Korea Denuclearization Process Framework Agreement (June 2005) and the Joint Comprehensive Plan of Action.

(b) COMMITTEE REPORT.—Not later than October 22, 2015, the U.S. Special Representative for North Korea Policy with the Department of State, in consultation with the Director of National Intelligence, submit to the Committees on Foreign Relations and Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives a report specifying the steps taken by the United States to implement the United States-Led North Korea Denuclearization Process Framework Agreement (June 2005) and the Joint Comprehensive Plan of Action.

SEC. 1270G. UNIFICATION COMMITTEE.—In consultation with relevant congressional committees, the Secretary shall appoint an unification committee consisting of five members of the armed forces and five members of the public selected to represent a broad spectrum of political, educational, military, academic, and religious backgrounds.

SEC. 1270H. REPORT ON IRANIAN-OWNED AND-OPERATED VEHICLES.—Not later than October 22, 2015, the Secretary of Transportation shall provide to the Committees on Foreign Relations and Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives a report on the efforts of the United States to identify and license Iranian-owned and operated vehicles operating in the United States.

SEC. 1270I. DESIGNATION OF CERTAIN IRANIAN ENTITIES.—Nothing in section 1270A(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 shall be construed to authorize the Secretary to designate the Department of Justice, Department of the Treasury, or Department of Commerce.

SEC. 1270J. VEHICLE DESIGNATION.—Not later than October 22, 2015, the Secretary of Transportation shall provide to the Committees on Foreign Relations and Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives a report on the efforts of the United States to identify and license Iranian-owned and operating vehicles operating in the United States.

SEC. 1270K. SANCTIONS VIOLATION.—Any person who, while the United States-Led North Korea Denuclearization Process Framework Agreement (June 2005) and the Joint Comprehensive Plan of Action are in effect, makes a transaction or any part of a transaction that constitutes a violation of the United States-Led North Korea Denuclearization Process Framework Agreement (June 2005) and the Joint Comprehensive Plan of Action shall forfeit any property held by the United States that is subject to United States jurisdiction.

SEC. 1270L. RESPONSIBILITY OF THE EXECUTIVE DEPARTMENT.—Nothing in this Act shall be construed to relieve the President of any responsibility under the Constitution, laws, treaties, or regulations prescribed to implement this section.
(10) South Korean and Malaysian authorities have alleged that officials from North Korea’s secret police and Foreign Ministry were involved in the poisoning and killing of the estranged half-brother of the country’s leader, Kim Jong-nam, using the chemical weapon VX nerve agent, a substance banned for use as a weapon by the United Nations Chemical Weapons Convention, on February 13, 2017, in Kuala Lumpur.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of North Korea should be designated as a state sponsor of terrorism.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a determination as to whether North Korea meets the criteria for designation as a state sponsor of terrorism.

(d) FORM.—The report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex, if appropriate.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN TERRORIST ORGANIZATION.—The term ‘‘foreign terrorist organization’’ means an organization designated by the Secretary of State of the United States under the Open Skies Treaty as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(3) NORTH KOREA.—The term ‘‘North Korea’’ means the Democratic People’s Republic of Korea.

(4) STATE SPONSOR OF TERRORISM.—The term ‘‘state sponsor of terrorism’’ means a country of the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)) (as in effect pursuant to the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SA 539. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. LIMITATION ON OBSERVATION FLIGHTS OF THE RUSSIAN FEDERATION UNDER THE OPEN SKIES TREATY.

(a) In general.—No amounts authorized to be appropriated by this Act may be used to aid, assist, or support any of the observation flights of the Russian Federation over the United States under the Open Skies Treaty until the Secretary of Defense certifies to the appropriate congressional committees that—

(1) the Russian Federation has removed all restrictions regarding access to observation flights of the United States and other countries over territory of the Russian Federation in a manner that permits full implementation of the observation rights provided to the United States and covered state parties under the Open Skies Treaty.

(2) That the Russian Federation provides the same Air Traffic Control prioritization to the United States and covered state parties that it receives from other participants under the Open Skies Treaty.

(3) That upgraded sensors will be employed in observation flights of the Russian Federation or Belarus over the United States under the Open Skies Treaty until the Secretary of Defense certifies to the appropriate congressional committees that the employment of advanced sensors, consistent with the Open Skies Treaty, on United States observation aircraft, and the United States has deployed observation aircraft over Russia under the Open Skies Treaty.

(b) Definitions.—In this section:

(1) COVERED STATE PARTY.—The term ‘‘covered state party’’ means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(2) OBSERVATION AIRCRAFT, OBSERVATION FLIGHT, AND SENSOR.—The terms ‘‘observation aircraft’’, ‘‘observation flight’’, and ‘‘sensor’’ have the meanings given such terms in Article II of the Open Skies Treaty.


SA 540. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. PERMANENT RESIDENT STATUS FOR LIU XIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 251 of the Immigration and Nationality Act (8 U.S.C. 1151), Liu Xia shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an immigrant or permanent resident upon filing an application for the issuance of an immigrant visa under section 245 of such Act (8 U.S.C. 1154a) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Liu Xia enters the United States before the filing deadline specified in subsection (c), Liu Xia shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than the later of—

(1) 2 years after the date of the enactment of this Act; or

(2) 2 years after the date on which Liu Xia was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI MISSION PARACHUTE SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 to the Enhanced Multi Mission Parachute System may be used to enter into or prepare to enter into a contract for the procurement of the Enhanced Multi Mission Parachute System unless the Secretary of the Department of Defense certifies to the congressional defense committees the certification described in subsection (b) of the report described in subsection (c) of Section 2922h(c)(4) of title 10, United States Code, is amended by inserting ‘‘, including any financial contributions from a Federal agency other than the Department of Defense, including the Commodity Credit Corporation under the Department of Agriculture, for the purpose of reducing the total cost of the fuel’’ after ‘‘commodity price of the fuel’’.

SA 542. Mr. TILLIS (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI MISSION PARACHUTE SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 to the Enhanced Multi Mission Parachute System may be used to enter into or prepare to enter into a contract for the procurement of the Enhanced Multi Mission Parachute System unless the Secretary of the Department of Defense certifies to the congressional defense committees the certification described in subsection (b) of the report described in subsection (c) of Section 2922h(c)(4) of title 10, United States Code, is amended by inserting ‘‘, including any financial contributions from a Federal agency other than the Department of Defense, including the Commodity Credit Corporation under the Department of Agriculture, for the purpose of reducing the total cost of the fuel’’ after ‘‘commodity price of the fuel’’.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the Secretary of the Navy that—

(1) neither the Marine Corps’ currently fielded Enhanced Multi Mission Parachute System nor the Army’s RA-1 parachute system meet the Marine Corps requirements;

(2) that the Marine Corps’ PARIS, Special Application Parachute System does not meet the Marine Corps requirement;

(3) the testing plan for the enhanced multi mission parachute system meets all regulations requirements;

(4) the Department of the Navy has performed the analysis and determined that a
high glide canopy is not more prone to malfunctions than the currently fielded free fall parachute systems.

(c) REPORT.—The report referred to in subsection (b) that includes

(1) an explanation of the rationale for using the Parachute Industry Association specification normally used for sports parachutes employed from relatively slow flying civilian aircraft at altitudes below 10,000 feet for a military parachute;

(2) an inventory and cost estimate for any new equipment and training that the Marine Corps will have to acquire in order to employ a high glide parachute;

(3) an explanation of why the Department of the Navy cannot be employing a paper sash and not conducting any testing until first article testing; and

(4) a discussion of the risk assessment for high glide canopies, and specifically how the Department of the Navy is mitigating the risk for malfunctions experienced in other high glide canopy programs.

SA 543. Mr. SULLIVAN (for himself and Ms. MURkowski) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

On page 27, strike lines 17 through 18 and insert the following:

"(ii) participates in education directly related to employment; or

"(E) an eligible individual to receive health services from the Indian Health Service or from an Indian Tribe, a Tribal Organization, or an Urban Indian Organization.

SA 544. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVIDE DEFENSE SENSITIVE SUPPORT.

Section 1 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–238; 10 U.S.C. 113 note) is hereby repealed.

SA 545. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. INCREASE IN CHIP ELIGIBILITY AGE.

(a) In General.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397(lll)(c)(1)) is amended by striking "19" and inserting "26".

(b) Effective Date.—Section 2110(b)(1)(B) of such Act (42 U.S.C. 1397(lll)(b)(1)(B)) is amended by striking "19 years of age under this title (or title XIX)" and inserting "26 years of age under this title (or, in the case of title XIX, under 26 years of age or such higher age as the State has elected for purposes of the eligibility of a child under the State plan under title X or under a waiver of that plan)".

SA 546. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBuchar, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments under the cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act.

SA 547. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBuchar, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 102. INCREASE IN CHIP ELIGIBILITY AGE.

(a) In General.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397(lll)(c)(1)) is amended by striking "19" and inserting "26".

(b) Effective Date.—Section 2110(b)(1)(B) of such Act (42 U.S.C. 1397(lll)(b)(1)(B)) is amended by striking "19 years of age under this title (or title XIX)" and inserting "26 years of age under this title (or, in the case of title XIX, under 26 years of age or such higher age as the State has elected for purposes of the eligibility of a child under the State plan under title X or under a waiver of that plan)".

(c) Effective Date.—In General.—The amendments made by this section shall apply with respect to eligibility determinations made after the date that is 180 days after the date of the enactment of this section.

Exception for State Legislation.—In the case of a State plan under title XIX of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by this section, the respective plan shall not be regarded as failing to comply with the requirements of
such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that occurs after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, such an additional requirement is to be considered a separate regular session of the State legislature.

SA 550. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 550. SENSE OF THE SENATE THAT HEALTH CARE AND DRUG PRICES REMAIN A NATIONAL CRISIS

It is the sense of the Senate that—

(1) the United States should join every other major country on Earth and guarantee health care to all as a right, not a privilege; and

(2) it is time to end the absurdity that the United States spends far more per capita on health care than any other developed country, while the United States pays the highest prices in the world for prescription drugs.

SA 551. Mr. HOEVEN (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. SUPPORT FOR STATE AND INDIAN HEALTH PROGRAM RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH CARE NEEDS

(a) IN GENERAL.—There are authorized to be appropriated, $750,000,000 for each of fiscal years 2018 and 2019, for the Secretary of Health and Human Services (referred to in this section as the “Secretary”) to award grants to States and Indian health programs to address the substance abuse public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program. In awarding grants under this section, the Secretary may give preference to States, and Indian health programs that serve Indian tribes, with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States and Indian health programs that identify mental health needs within the States or communities that are urgent relative to such needs of other States. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and early intervention activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as practicing physicians, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the Secretary determines appropriate, to address the public health crisis or to respond to urgent mental health needs within the States or Indian health program community served by the Indian health program.

(c) DEFINITIONS.—In this section, the terms “Indian health program” or “Indian tribe” have the meaning given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 168).

SA 552. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 1628, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF DEPARTMENT OF DEFENSE FUNDS

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2777 the following new section:

“(2) the percentage of the total costs of, or activity financed with funds provided by the Department, project, or activity that is, in whole or in part, carried out using funds provided by the Department of Defense shall clearly state in any statement, press release, request for proposal, bid solicitation, or other document describing the program, project, or activity—

(1) the percentage of the total costs of the program, project, or activity which will be financed with funds provided by the Department;

(2) the dollar amount of the funds provided by the Department that were made available for the program, project, or activity; and

(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by non-governmental sources.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2777 the following new item:

“2778. Disclosure requirements for recipients of Department of Defense funds.”

SA 553. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 553. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (b) of title V, add the following:

SEC. 554. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 1628, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection B of title V, add the following:

SEC. 554. INVESTMENT OF ASSETS OF JAMES MADISON MEMORIAL FELLOWSHIP TRUST FUND.

Subsection (b) of section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended to read as follows:

“(b) Subject to paragraph (3), investments of amounts appropriated to the fund shall be made in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States, and by obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

“(C) Nothing in this paragraph shall be construed to limit the authority of the Board to increase the number of fellowships provided under section 804."

SEC. 555. REPORT ON COORDINATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF VETERANS AFFAIRS AFFAIRS ON TIMING OF CESSATION OF VETERANS BENEFITS FOR MEMBERS OF THE RESERVE COMPONENTS WHOSE ACTIVE DUTY INTERRUPTS RECEIPT OF BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,
the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth a description of a mechanism through which the Department of Defense, for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SA 555. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. INVESTMENT OF ASSETS OF BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND.

Subsection (b) of section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707) is amended to read as follows:

"(b) INVESTMENT OF FUND ASSETS.—(1) It shall be the duty of the Secretary of the Treasury to invest all the funds available to the fund in obligations described in subsection (b), the Secretary may invest up to 40 percent of the fund's assets in securities other than public debt securities of the United States, provided that the investments be made in established United States markets.

"(B) A determination described in this sub-paragraph is a determination by the Board that investments described in subparagraph (A) are necessary to enable the Foundation to carry out the purposes of this title without any diminution of the number of scholarships provided under section 1406, or of the stipend authorized by section 1406.

"(C) Nothing in this paragraph shall be construed to authorize the authority of the Board to increase the number of scholarships provided under section 1406, or to increase the amount of the stipend authorized by section 1406, as the Board considers appropriate and is otherwise consistent with the require-ments of this title."

SA 556. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with a nonprofit organization that accredits health care orga-nizations and personnel in the United States, to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies at the facility at such medical center.

(b) AUTHORITY OF DIRECTORS.—

(1) IN GENERAL.—Subject to coordination under paragraph (2), the Secretary shall de-le-gate by general order to the Director of the medical center the authority, as provided in paragraph (2), to contract for an investigation at a medical center of the Department of Veterans Affairs to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies at the facilities at such medical center.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of the medical center, or the Director of the Veterans Integrated Service Network in which the medical center is located or the director of such medical center, may contract for the services of the Inspector General of the Department of Veterans Affairs or the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with other investigations that may be ongo-ing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employ-ees of the Department with the authority to review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

SA 557. Mr. GARDNER (for himself, Mr. WARNER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construc-tion, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1. MANDATORY SANCTIONS WITH RESPECT TO IRAN RELATING TO SIGNIFICANT ACTIVITIES UNDERMINING UNITED STATES CYBERSECURITY.

(a) INVESTIGATION.—The President shall initiate an investigation into the possible designation of an Iranian person under subsection (b) upon receipt by the President of credible information indicating that the person has engaged in conduct described in subsection (b).

(b) DESIGNATION.—The President shall designate under this subsection any Iranian person that the President determines has know-ingly—

(1) engaged in significant activities under-mining United States cybersecurity con-ducted by the Government of Iran; or

(2) acted for or on behalf of the Government of Iran in connection with such activities.

(c) SANCTIONS.—The President shall block and prohibit all transactions in all property and interests in property of any Iranian person designated under subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) SUSPENSION OF SANCTIONS.—

(1) IN GENERAL.—The President may sus- pend the application of sanctions under subsection (c) with respect to an Iranian person only if the President submits to the appro-priate congressional committees in writing a certification described in paragraph (2) and a detailed justification for the certification.

(2) CERTIFICATION DESCRIBED.—A certification described in this paragraph with respect to an Iranian person is a certification by the President that—

(i) the person has not, during the 12-month period immediately preceding the date of the certification, knowingly engaged in activi-ties that would qualify the person for designation under subsection (b) if the property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(ii) the person is not expected to engage in any such activities.

(e) REIMPOSITION OF SANCTIONS.—If sanc-tions suspended under paragraph (d) sanc-tions shall be reimposed if the President deter-mines that the person has resumed the ac-tivity subject to sanctions under subsection (b).

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the au-thority of the President to designate under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Comprehensive Iran Sanctions, Accountability, and Di-neck Act of 2010 (Pub. L. 111–205, 891 et seq.), or any other provision of law.

(g) REPORT.
In General.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report setting forth an assessment of the current and future capabilities of the Islamic State of Iraq and Syria (ISIS) and other violent extremist groups in Southeast Asia.

The report shall include the following:

1. The current number of Islamic State of Iraq and Syria fighters expected to return to Southeast Asia from fighting in the Middle East.
2. The estimated number of Islamic State of Iraq and Syria fighters expected to return to Southeast Asia, and the additional resources required to combat that threat.
3. A detailed assessment of the capabilities of the Islamic State of Iraq and Syria and their ability to operate in locations such as the Philippines, Indonesia, and Malaysia.
4. A description of the capabilities and resources of governments in Southeast Asia to counter violent extremist groups.
5. A list of additional United States resources and capabilities that the Department of Defense recommends providing governments in Southeast Asia to combat violent extremist groups.
6. A detailed assessment of the capabilities and threats posed by the Department of Defense, for military construction, and for defense activities of the Department of Energy, to security and capability challenges; the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to describe military activities of the Department of Defense, in the report entitled "Worldwide Threat Assessment of the U.S. Intelligence Community", dated May 11, 2017, and includes the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and the Russian Federation.
7. The term "closely linked," with respect to a foreign supplier, contractor, or subcontractor and a leading cyber-threat actor, means:
   a) has ties to the military forces of such actor;
   b) has ties to the intelligence services of such actor;
   c) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor;
   d) is incorporated or headquartered in the territory of such actor.

SA 560. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to discuss military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to discuss military activities of the Department of Defense, in the report entitled "Worldwide Threat Assessment of the U.S. Intelligence Community", dated May 11, 2017, and includes the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and the Russian Federation.

The term "closely linked," with respect to a foreign supplier, contractor, or subcontractor and a leading cyber-threat actor, means:
   a) has ties to the military forces of such actor;
   b) has ties to the intelligence services of such actor;
   c) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor;
   d) is incorporated or headquartered in the territory of such actor.

SA 559. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to discuss military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to discuss military activities of the Department of Defense, in the report entitled "Worldwide Threat Assessment of the U.S. Intelligence Community", dated May 11, 2017, and includes the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and the Russian Federation.

The term "closely linked," with respect to a foreign supplier, contractor, or subcontractor and a leading cyber-threat actor, means:
   a) has ties to the military forces of such actor;
   b) has ties to the intelligence services of such actor;
   c) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor;
   d) is incorporated or headquartered in the territory of such actor.

SA 558. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to discuss military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to discuss military activities of the Department of Defense, in the report entitled "Worldwide Threat Assessment of the U.S. Intelligence Community", dated May 11, 2017, and includes the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and the Russian Federation.

The term "closely linked," with respect to a foreign supplier, contractor, or subcontractor and a leading cyber-threat actor, means:
   a) has ties to the military forces of such actor;
   b) has ties to the intelligence services of such actor;
   c) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor;
   d) is incorporated or headquartered in the territory of such actor.
SA 561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense for military construction and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. ROBOTIC SERVICING OF GEO-SYNCHRONOUS SATELLITES DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) Submission of Matrices.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees the matrices described in subsection (b) relating to the Robotic Servicing of Geosynchronous Satellites program.

(b) Matrices Described.—The matrices described in subsection (a) are the following:

(1) Development Goals.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the Robotic Servicing of Geosynchronous Satellites program, which shall be subdivided, at a minimum, according to the following:

(A) Mission Readiness levels of major components and key demonstration events.
(B) Design maturity.
(C) Software maturity.
(D) Manufacturing readiness levels for critical manufacturing operations and key demonstration events.
(E) Manufacturing operations.
(F) System verification and key flight test events.
(G) Reliability.

(2) Total Cost.—A matrix expressing, in six-month increments, the total cost to the Department of Defense and all relevant United States Government agencies cost position for the payload, operations software, payload and launchers for the Robotic Servicing of Geosynchronous Satellites program.

(3) Spacecraft Costs.—A matrix expressing, in six-month increments, the total cost for Robotic Servicing of Geosynchronous Satellites program spacecraft and relevant subsystems, which shall be subdivided over the entire development period and subdivided according to the costs of the following:

(A) Concept.
(B) Payload.
(C) Mission systems.
(D) Vehicle software.
(E) Systems engineering.
(F) Program management.
(G) System test and evaluation.
(H) Support and training systems.
(I) Consequence.
(J) Engineering changes.
(K) Direct mission support.
(L) Launch.
(M) Management testing.

(c) Semiannual Update of Matrices.—

(1) In General.—The Director shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b) —

(A) not later than 180 days after the date on which the Director submits the matrices required by subsection (a);

(B) concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2020 and each fiscal year thereafter; and

(C) not later than 180 days after each such submission.

(2) Elements.—Each update submitted under paragraph (1) shall detail progress made toward achieving the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) Treatment of Initial Matrices as Baseline.—Any updated matrix submitted pursuant to subsection (a) shall be treated as the baseline for the full research, development, test, and evaluation of the Robotic Servicing of Geosynchronous Satellites program and through its launch and demonstration for purposes of the updates submitted pursuant to paragraph (1).

(d) Assessment by Comptroller General of the United States.—Not later than the date that is 45 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (c)(1), the Comptroller General shall review the sufficiency of the matrix and submit to the congressional defense committees an assessment of the matrix and an identification of cost, schedule, or performance trends in the matrix.

(e) Secretary of Defense Approval.—Following the demonstration of the Robotic Servicing of Geosynchronous Satellites spacecraft and its transition to a commercial partner of the Defense Advanced Research Projects Agency, the Secretary of Defense shall approve each commercial operation of the spacecraft.

(f) Taking into Account.—

(A) Available fuel for possible national security mission requirements;

(B) Orbital stability of possible national security mission requirements; and

(C) Compliance with the Presidential Decision Directive on National Space Policy; and

(g) Certification to the congressional defense committees that—

(A) any commercial use does not conflict with possible national security requirements; and

(B) the requirements of this subsection have been met.

(2) Security of Defense Study.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the technology transfer of the robotic payload, operations software, and corresponding systems of the Robotic Servicing of Geosynchronous Satellites program to qualified satellite manufacturers and satellite operators to increase the on-orbit high-confidence space robotics capabilities of entities organized under the laws of the United States and available to the Department of Defense.

SA 562. Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3201, add the following:

(b) Annual Report on Unfunded Priorities.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Chairman of the Defense Nuclear Facilities Safety Board shall submit to the congressional defense committees a report on the unfunded priorities of the Board for that fiscal year.
SA 564. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 447, strike lines 16 through 18 and insert the following:

(4) EXPEDITING SECURITY CLEARANCES FOR CERTAIN SMALL BUSINESS EMPLOYEES.—Not later than 120 days after the date of enactment, the Secretary of the Department of Defense and the Administrator of the Small Business Administration shall submit to Congress a plan for a process to expedite the approval of security clearances for employees of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632) participating in the SBIR or STTR program as defined in section 8(e) of such Act (15 U.S.C. 638(e)).

(5) TERMINATION.—No briefing or report is required pursuant to paragraph (2) or (3) after December 31, 2020.

SA 565. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. EXCLUSION OF INDEPENDENT RESEARCH AND DEVELOPMENT EXPENSES FROM ANNUAL RECEIPTS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

"(10) EXCLUSION OF INDEPENDENT RESEARCH AND DEVELOPMENT EXPENSES FROM ANNUAL RECEIPTS.—In determining the average annual gross receipts of a small business concern, the Administrator, at the request of the concern, may prescribe, may assign to the Secretary under regulations that the Administrator may prescribe, may assign to the Secretary of Veterans Affairs for disposal surplus real property transferred under subsection (i) for veteran support services.

SA 566. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. DISPOSAL OF REAL PROPERTY FOR VETERANS SUPPORT SERVICES.

Section 5(e) of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking "and" and inserting "or"; and

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

(C) by adding at the end the following: "(P) The Secretary of Veterans Affairs, for property transferred under subsection (i) for veterans support services.";

SA 567. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 5. SIZE STANDARDS FOR SMALL BUSINESS CONCERNS.

(a) CALCULATION ON THE BASIS OF ANNUAL AVERAGE GROSS RECEIPTS.—Section 3(a)(2)(C)(i)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(i)(II)) is amended by striking "over a period of not less than 3 years" and inserting "the 3 lowest annual average gross receipts of the business concern during the preceding 5-year period."

(b) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Veterans Affairs shall promulgate regulations as necessary to implement the amendment made by subsection (a).

SA 568. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection G of title VI, add the following:

SEC. 6. AWARD OF MEDALS OR OTHER COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS AND MILITARY WORKING DOGS.

(a) PROGRAM OF AWARD REQUIRED.—Each Secretary of a military department shall carry out a program to provide for the award of one or more medals or other commendations to handlers of military working dogs, and to military working dogs, under the jurisdic-
that gave rise to the item occurred while the consumer was an active duty military con-
sumer—
(A) the consumer may provide appropriate proof, including official orders, to the consumer reporting agency that the consumer was an active duty military consumer at the time such action or inaction occurred; and
(B) any consumer report provided by the consumer reporting agency that includes the item shall clearly and conspicuously disclose that the consumer was an active duty military consumer when the action or inaction that gave rise to the item occurred.

"(2) The model form—
(A) the consumer reporting agency shall prepare a model form, which shall be published publicly, including in an electronic format, by which a consumer may—
(i) provide appropriate proof to, a consumer reporting agency in a simple and easy manner, including electronically, that the consumer is or was an active duty military consumer; and
(ii) request the consumer reporting agency to provide contact information of the consumer for the purpose of communicating with the consumer while the consumer is an active duty military consumer.

"(3) No adverse consequences.—Notice, whether provided by the model form described in paragraph (2) or otherwise, that a consumer was an active duty military consumer may not provide the sole basis for—
(A) with respect to a credit transaction between the consumer and a creditor, a creditor—
(i) denying an application of credit submitted by the consumer;
(ii) revoking an offer of credit made to the consumer by the creditor;
(iii) changing the terms of an existing credit arrangement with the consumer;
(iv) refusing to grant credit to the consumer in a substantially similar amount or on substantially similar terms requested by the consumer;
(B) furnishing negative information relating to the creditworthiness of the consumer by or to a consumer reporting agency; or
(C) except as otherwise provided in this title, a creditor or consumer reporting agency noting in the file of the consumer that the consumer is or was an active duty military consumer.

"(2) in section 605A (15 U.S.C. 1681c–1)—
(A) in subsection (c)—
(i) bestrike paragraphs (1), (2), and (3) as paragraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;
(ii) in the matter preceding subparagraph (A), as so redesignated, by striking "Upon" and inserting the following:
"(1) IN GENERAL.—Upon;
(2) NEGATIVE INFORMATION NOTIFICATION.—If a consumer reporting agency receives an item of adverse information about a consumer who has provided appropriate proof that the consumer is an active duty military consumer, the consumer reporting agency shall promptly notify the consumer, with a frequency, in a manner, and according to a timeline determined by the Bureau or specified by the consumer—
(A) that the consumer reporting agency has received the item of adverse information, along with a description of the item; and
(B) the method by which the consumer may obtain a copy of the item.

"(3) CONTACT INFORMATION FOR ACTIVE DUTY MILITARY CONSUMERS.—
(A) IN GENERAL.—If a consumer who has provided appropriate proof to a consumer reporting agency that the consumer is an active duty military consumer provides the consumer reporting agency with contact information for the purpose of communicating with the consumer while the consumer is an active duty military consumer, the consumer reporting agency shall provide that contact information for all communications with the consumer while the consumer is an active duty military consumer.
(B) Duties of the consumer direct otherwise, the provision of contact information by the consumer under subparagraph (A) shall be deemed to be a request for the consumer to receive an active duty alert under paragraph (1).

"(4) SENSE OF CONGRESS.—It is the sense of Congress that any person making use of a consumer reporting agency's file with respect to a consumer should, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, take that fact into account when evaluating the creditworthiness of the consumer.

"(B) in subsection (e), by striking paragraph (3) and inserting the following:
"(3) subparagraphs (A) and (B) of subsection (e)(1), in the case of a referral under subsection (e)(1)(C), and
(3) in section 611(a)(1) (15 U.S.C. 1681a(a)(1)), by adding at the end the following:
"(D) NOTICE OF DISPUTE RELATED TO ACTIVE DUTY MILITARY CONSUMER.—In the case of a consumer reporting agency conducting the investigation described in that subparagraph, and has provided appropriate proof, that the consumer was an active duty military consumer at the time the action or inaction that gave rise to the disputed item occurred, the consumer reporting agency shall—
"(i) include that fact in the file of the consumer;
and
(ii) indicate that fact in each consumer report that includes the disputed item.

SA 571. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO, AND THE MUNICIPALITY OF VIEQUES.

(a) IN GENERAL.—An individual shall be awarded monetary compensation for a claim made under this section if the individual—
(1) can demonstrate that he or she was a resident of the island of Vieques, Puerto Rico, during or after the use by the United States Government of the island for military readiness;
(2) files a claim not later than 30 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and
(3) submits to the court written medical documentation that the individual contracted a chronic, life threatening, or heavy metal disease or illness, including cancer, hypertension, cirrhosis, and diabetes while the United States Government used the island of Vieques, Puerto Rico for military readiness.

(b) APPOINTMENT OF SPECIAL MASTER.—
(1) IN GENERAL.—The Secretary of the Treasury shall appoint a Special Master to consider claims described in paragraph (2).

(2) AMOUNTS OF AWARD.—The amounts described in this paragraph are as follows:

(A) $50,000 for 1 disease described in paragraph (1)(B);
(B) $80,000 for 2 diseases described in paragraph (1)(B); and
(C) $110,000 for 3 or more diseases described in paragraph (1)(B).

(c) AWARD AMOUNTS RELATED TO CLAIMS BY THE MUNICIPALITY OF VIEQUES.—

(A) SEC. 2. QUALIFIED SERVICE DEFINED. In this section, the term "qualified service" means service warrants an honorable discharge.

(B)(1) IN GENERAL.—The Secretary of Defense shall issue an honorable discharge under section 128a of title 10, United States Code, to any individual determined that qualified service of an individual as a result of the enactment of this Act.

(C) QUALIFIED SERVICE DEFINED. In this section, the term "qualified service" means service of an individual as a member of the organization known as the United States Cadet Nurse Corps during the period beginning on July 1, 1945, and ending on December 15, 1945.

SA 572. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 7. CERTAIN SERVICE DEEMED TO BE ACTIVE DUTY MILITARY SERVICE FOR PURPOSES OF LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—For purposes of section 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note), the Secretary of Defense is deemed to have determined that qualified service of an individual constituted active military service.

(b) DETERMINATION OF DISCHARGE STATUS.—
(1) IN GENERAL.—The Secretary of Defense shall issue an honorable discharge under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 to each person whose qualified service warrants an honorable discharge.

(2) TIMING.—A discharge under paragraph (1) shall be issued before the end of the one-year period beginning on the date of the enactment of this Act.

(c) PROHIBITION OF RETROACTIVE BENEFITS.—No benefits may be paid to any individual as a result of the enactment of this section for any period before the date of the enactment of this Act.
level that reduces the diseases on Vieques to the average in the United States.

(B) The past research from universities, colleges, scientists, and doctors who have testified, shows the prevalence of toxic substances in the soil, food sources, and human populations.

(C) A medical coordinator and staff to upgrade to pediatric and adult facility and its equipment to a level to treat life threatening, chronic, and heavy metal diseases, including cancer, hypertension, cirrhosis, diabetes.

(D) Compensation to create and fund a medical home to provide medical care for pediatric and adult patients, allowing the patients to be referred for tertiary and quaternary treatment facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques, until such time as the disease levels are reduced to the average in the United States.

(E) Amounts necessary for the academic partner and medical coordinator to carry out the duties described in subparagraphs (A) through (D).

(F) Amounts necessary to compensate the Municipality of Vieques for—

(i) the reimbursement obligations and additional expenses incurred by the Municipality as a result of the enactment of this section;

(ii) any other damages and costs to be incurred by the Municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(G) Amounts awarded under this subsection shall be made from amounts appropriated under section 1304 of title 31, United States Code.

(3) Determination and payment of claims.—

(A) Establishment of filing procedures.—The Secretary of the Treasury shall establish regulations to carry out this section.

(B) Determination of claims.—The Special Master shall—

(i) if damages and costs are incurred by the Municipality, must determine whether each claim meets the requirements of this section. Claims already disposed of by a court under chapter 71 of title 28, United States Code, shall be treated as if they are currently filed.

(ii) any other damages and costs to be incurred by the Municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(C) Action on claims.—The Special Master shall complete a determination on any claim filed after the procedures established under this section not later than 150 days after the date on which the claim is filed.

(D) Payment in full settlement of claims by individuals and the municipality of Vieques against the United States.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(i) be final and conclusive;

(ii) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(iii) constitute a complete release by the individual or the Municipality of Vieques of all claims against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(F) Administrative costs.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney’s fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(G) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(M) Use of services.—The Secretary of the Treasury shall submit to Congress a report on the use of the services of the Department of Veterans Affairs.

(2) Regular adjustment.—A claim to which this section applies shall be barred unless the claim is filed within 20 years after the date of the enactment of this Act.

(3) Determination and payment of claims.—The Secretary of the Treasury shall—

(A) establish regulations to carry out this section.

(B) establish regulations to carry out this section.

(C) use funds or resources available to the Secretary to carry out the purposes of this section.

(4) Use of Federal property.—The Secretary of the Treasury shall, in accordance with this section, use Federal property to carry out the purposes of this section.

(D) Establishment of filing procedures.—The Secretary of the Treasury shall establish regulations to carry out this section.

(E) Determination of claims.—The Special Master shall—

(i) if damages and costs are incurred by the Municipality, determine whether each claim meets the requirements of this section. Claims already disposed of by a court under chapter 71 of title 28, United States Code, shall be treated as if they are currently filed.

(ii) any other damages and costs to be incurred by the Municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(F) Action on claims.—The Special Master shall complete a determination on any claim filed after the procedures established under this section not later than 150 days after the date on which the claim is filed.

(G) Payment in full settlement of claims by individuals and the municipality of Vieques against the United States.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(i) be final and conclusive;

(ii) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(iii) constitute a complete release by the individual or the Municipality of Vieques of all claims against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(H) Administrative costs.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney’s fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(I) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(V) Use of Federal property.—The Secretary of the Treasury shall, in accordance with this section, use Federal property to carry out the purposes of this section.

(W) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(X) Use of services.—The Secretary of the Treasury shall, in accordance with this section, use Federal services to carry out the purposes of this section.

(2) Payment in full settlement of claims by individuals and the municipality of Vieques against the United States.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(i) be final and conclusive;

(ii) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(iii) constitute a complete release by the individual or the Municipality of Vieques of all claims against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(Y) Administrative costs.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney’s fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(Z) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(A) Use of Federal property.—The Secretary of the Treasury shall, in accordance with this section, use Federal property to carry out the purposes of this section.

(B) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(B) Use of services.—The Secretary of the Treasury shall use Federal services to carry out the purposes of this section.

(C) Payment in full settlement of claims by individuals and the municipality of Vieques against the United States.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(i) be final and conclusive;

(ii) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(iii) constitute a complete release by the individual or the Municipality of Vieques of all claims against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(D) Administrative costs.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney’s fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(E) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(F) Use of services.—The Secretary of the Treasury shall use Federal services to carry out the purposes of this section.

(G) Payment in full settlement of claims by individuals and the municipality of Vieques against the United States.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(i) be final and conclusive;

(ii) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(iii) constitute a complete release by the individual or the Municipality of Vieques of all claims against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(H) Administrative costs.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney’s fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(I) Certification of treatment of payments under other laws.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(J) Use of services.—The Secretary of the Treasury shall use Federal services to carry out the purposes of this section.
(2) CONTENTS.—The report required by paragraph (1) shall include the following:  
(A) A description of the vulnerabilities identified under paragraph (1) of subsection (c),  
(B) A description of the solutions designed under paragraph (2) of such subsection,  
(C) A strategy for working with owners of relevant critical infrastructure to eliminate vulnerabilities identified under subsection (c)(1),  
(D) An estimate of the cost of carrying out the strategy included under subparagraph (C) and a schedule to implement such strategy.  
(e) CONSIDERATION OF INVESTMENTS REQUIRED.—The President shall consider the investment described in paragraph (1) whenever developing plans and proposals for national infrastructure investment that the President submits to Congress.  

SA 576. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

At the appropriate place, insert the following:  

SEC. 3. OFFICE OF THE COORDINATOR FOR CYBER ISSUES.  
(a) OFFICE OF THE COORDINATOR FOR CYBER ISSUES.—Subtitle E of title XII of the National Defense Authorization Act for Fiscal Year 2018 and the National Defense Authorization Act for Fiscal Year 2019 is amended by inserting after the following new subparagraph:  
``(b) POLICIES.—(1) POLICY.—The Secretary of Defense shall establish and maintain a unified policy for cyber security and information sharing and, in consultation with the Secretary of State and the National Security Council, shall issue appropriate implementing guidance and direction tobearers of cyberspace activities.  

SA 578. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

At the end of title V of such Act, add the following:  

SEC. 4. PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.  
(a) FINDINGS.—The Secretary recognizes that North Korea’s first successful test of an intercontinental ballistic missile (ICBM) constitutes a grave and imminent threat to United States security and to the security of United States allies and partners in the Asia-Pacific region.  

SA 580. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

SEC. 4. ANNUAL REPORT ON NAVY ACTIVITIES TO IMPLEMENT THE REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII.  
(a) ANNUAL REPORT REQUIRED.—The Secretary of the Navy shall submit to the Committee on Appropriations of the Senate and the House of Representatives each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report on the activities of the Department of the Navy to implement the Regional Biosecurity Plan for Micronesia and Hawaii (RBP).  

SEC. 5. CONSIDERATION OF INVESTMENTS REQUIRED.—The President shall consider the investment described in paragraph (1) whenever developing plans and proposals for national infrastructure investment that the President submits to Congress.  

SA 577. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

At the end of part II of title VI, add the following:  

SEC. 5. CREDIT TOWARD COMPUTATION OF YEARS OF SERVICE FOR NONREGULAR MILITARY PERSONNEL.—Not later than 180 days after the date that the President submits to Congress a report on efforts to strengthen extended deterrence and assurance in the region, the Secretary of Defense shall, and at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress, prescribe the following:  

SEC. 5. ANNUAL REPORT ON NAVY ACTIVITIES TO IMPLEMENT THE REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII.  

SEC. 5. CONSIDERATION OF INVESTMENTS REQUIRED.—The President shall consider the investment described in paragraph (1) whenever developing plans and proposals for national infrastructure investment that the President submits to Congress.  

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sections of the Department of Defense, for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 8001. PROHIBITION ON APPLICATION OF FUNDING FOR DEFENSE ACTIVITIES TO OFFENSE USE OF CYBER CAPABILITIES.

(1) No memorandum, executive order, or other action by the President to authorize the Department of Defense to use any part of any funds authorized to be appropriated to the Department of Defense for fiscal year 2017 for defense activities to develop or acquire weapons systems for offensive use of cyber capabilities, including computer network exploitation and computer network attacks, to thwart air, land, or sea attacks by the regime of Russia, or the cyber strategic campaigns of the People's Republic of China, or those of any other foreign country, shall have any force or effect with respect to any civilian employee position in the Department of Defense at, or in support of, any facility—

(a) at which depot-level maintenance and repair is carried out; or

(b) at which depot-level maintenance and repair is ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 8002. SENSE OF CONGRESS REGARDING PACIFIC WAR MEMORIAL.

(a) FINDING.—Congress finds that, as of the date of the enactment of this Act, there is no memorial that specifically honors the members of the Armed Forces of the United States who served in the Pacific Theater of World War II, also known as the Pacific War.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Pacific War memorial should be established by the Department of Defense near the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

SA 581. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. 8003. ISSUANCE OF CONSOLIDATED PREGNANCY AND PARENTHOOD INSTRUCTION FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall ensure that each military department issues a single, consolidated instruction on the policies, decisions, actions, and requirements for members of the Armed Forces relating to pregnancy, the postpartum period, and parenthood.

SA 582. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 8004. REPORT ON IMPLEMENTATION OF GAO RECOMMENDATIONS RELATING TO CONSIDERATION OF POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY IN MISCONDUCT SEPARATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation by the Department of Defense of the recommendations from the Government Accountability Office report entitled “Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations” and published on May 16, 2017.

SA 583. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 8005. SENSE OF CONGRESS ON CYBER STRATEGY AND OFFENSE USE OF CYBER CAPABILITIES.

(1) The President shall develop a national strategy for the offense use of cyber capabilities by departments and agencies of the United States Government.

(2) The strategy developed under paragraph (1) shall include, at minimum—

(A) a description of enhancements that are needed to improve the cyber capabilities of the United States and partner nations; including North Atlantic Treaty Organization member states; and

(B) a statement of principles concerning the appropriate deployment of offensive cyber capabilities.

(3) NO FUNDING FOR OFFENSE USE OF CYBER CAPABILITIES.—Nothing in this Act shall authorize any appropriation for fiscal year 2017 for offensive cyber capabilities.

SA 584. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. 8006. SENSE OF CONGRESS ON CYBER STRATEGY DEVELOPMENT.

(1) The President shall develop a national strategy for the offense use of cyber capabilities by departments and agencies of the United States Government.

(2) The strategy developed under paragraph (1) shall include, at minimum—

(A) a description of enhancements that are needed to improve the cyber capabilities of the United States and partner nations; including North Atlantic Treaty Organization member states; and

(B) a statement of principles concerning the appropriate deployment of offensive cyber capabilities.

(3) NO FUNDING FOR OFFENSE USE OF CYBER CAPABILITIES.—Nothing in this Act shall authorize any appropriation for fiscal year 2017 for offensive cyber capabilities.

(4) TECHNICAL EXPERTS.—In providing technical assistance under section 333 of title 10, United States Code, to assist such states in developing and enhancing offensive cyber capabilities, the Department of Defense, the Department of the Treasury, the Department of Homeland Security, and the NationalGeographic Intelligence Agency shall submit to the congressional defense committees a strategy developed under paragraph (1) for the offense use of cyber capabilities.

SA 585. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department
of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitile G of title XII, add the following:

SEC. 102. PREMIUM TAX CREDIT.

(a) PREMIUM TAX CREDIT.—

(1) MODIFICATION OF DEFINITION OF QUALIFIED HEALTH PLAN.—

(A) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iii) NONAPPLICABILITY OF LIMITATION.—This subparagraph shall not apply to taxable years beginning after December 31, 2017.".

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

SEC. 103. MODIFICATIONS TO SMALL BUSINESS TAX CREDIT.

(a) SUNSET.—

(1) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"

(1) THAT THE GOVERNMENT OF SAUDI ARABIA IS COMPATIBLE WITH ITS OBLIGATIONS IN YEMEN UNDER EACH OF THE FOLLOWING:

(A) CUSTOMARY INTERNATIONAL LAW RULE 55.

(B) ARTICLES 14 AND 18 OF THE ADDITIONAL PROTOCOL II TO THE GENEVA CONVENTIONS OF AUGUST 12, 1949.

(2) THAT THE GOVERNMENT OF SAUDI ARABIA IS FACILITATING THE DELIVERY AND INSTALLATION OF CRANES AT THE PORT OF MADIAH THAT WILL EXPEDITE THE DELIVERY OF HUMANITARIAN ASSISTANCE.

(c) COMPTROLLER GENERAL REPORT.—NOT LATER THAN 60 DAYS AFTER THE SUBMITTAL OF THE CERTIFICATION DESCRIBED IN SUBSECTION (B), THE COMPTROLLER GENERAL SHALL SUBMIT TO THE APPROPRIATE COMMITTEES OF CONGRESS A REPORT ASSESSING WHETHER THE CONCLUSIONS IN THE CERTIFICATION ARE FULLY SUPPORTED, AND THE JURISDICTION OVER THE CERTIFICATION PURSUANT TO SUBSECTION (A) IS SUFFICIENTLY DETAILED AND IDENTIFYING ANY SHORTCOMINGS, LIMITATIONS, OR OTHER REPORTABLE MATTERS THAT AFFECT THE QUALITY OF THE CERTIFICATION.

(d) DEFINITIONS.—IN THIS SECTION:

(1) THE TERM "APPROPRIATE COMMITTEES OF CONGRESS" MEANS—

(A) THE COMMITTEE ON ARMED SERVICES, THE COMMITTEE ON FOREIGN RELATIONS, AND THE COMMITTEE ON APPROPRIATIONS OF THE SENATE;

(B) THE COMMITTEE ON ARMED SERVICES, THE COMMITTEE ON FOREIGN AFFAIRS, AND THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES.

(2) THE TERM "DEFENSE ARTICLE" HAS THE MEANING GIVEN THAT TERM IN SECTION 47 OF THE ARMS EXPORT CONTROL ACT (22 U.S.C. 2794).

SA 586, MR. GRAHAM (for himself, MR. CASSIDY, AND MR. HELLER) SUBMITTED AN AMENDMENT INTENDED TO BE PROPOSED BY HIM TO THE BILL H.R. 1628, TO PROVIDE FOR RECONCILIATION PURSUANT TO TITLE II OF THE CONCERTED RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2017; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

Strike all after the enacting clause and insert the following:

TITLE I
SEC. 101. ELIMINATION OF LIMITATION ON RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

Subparagraph (B) of section 36B(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(ii) NONAPPLICABILITY OF LIMITATION.—This subparagraph shall not apply to taxable years beginning after December 31, 2017.".

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

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—

(1) Section 5000A(c) OF THE INTERNAL REVENUE CODE OF 1986 IS AMENDED—

(A) BY STRIKING "5.0 percent" AND INSERTING "7.5 percent"; AND

(B) BY STRIKING PARAGRAPH (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 105. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Section 4980H(c) OF THE INTERNAL REVENUE CODE OF 1986 IS AMENDED BY INSERTING "(i) IN THE CASE OF MONTHS BEGINNING AFTER DECEMBER 31, 2015)" AFTER "$2,000").

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2015.

SEC. 106. SHORT TERM ASSISTANCE FOR STATES AND MARKET-BASED HEALTH CARE GRANT PROGRAM.

(a) IN GENERAL.—

(1) Section 2105 OF THE SOCIAL SECURITY ACT (42 U.S.C. 1307(e)) IS AMENDED BY ADDING AT THE END THE FOLLOWING SUBSECION:

"(i) APPROPRIATION.—There are authorized to be appropriated, out of monies in the Treasury not otherwise obligated, $20,000,000,000 for each of calendar years 2018 and 2019, and $15,000,000,000 for calendar year 2020, to the Administrator of the Centers for Medicare & Medicaid Services (in this subsection and subsection (i) referred to as the "Administrator" to fund arrangements that include health insurance for individuals who purchase health benefits coverage by addressing coverage and access disruption and responding to urgent health care needs with respect to the funds appropriated under this paragraph that will be obligated prior to March 31 of the previous year and in such form and manner as specified by the Administrator and containing—

(ii) a certification that the health insurance issuer will use the funds in accordance with the requirements of paragraph (5); and

(iii) such information as the Administrator may require to carry out this subsection.

(b) PROCEDURE FOR DISTRIBUTION OF FUNDS.—The Administrator shall determine
an appropriate procedure for providing and distributing funds under this subsection.

(4) USE OF FUNDS.—Funds provided to a health insurance issuer under paragraph (1) shall only be used for the activities specified in paragraph (1)(A)(ii) of subsection (i) and only for the activities specified in paragraph (1)(A)(i)(II) of subsection (i).

(1) MARKET-BASED HEALTH CARE GRANT PROGRAM.—

(1) APPLICATION AND CERTIFICATION REQUIREMENTS.—To be eligible for an allotment of funds under this section, a State shall submit to the Administrator an application, not later than March 31, 2019, in the case of allotments for calendar year 2020, and not later than March 31 of the previous year, in the case of allotments for any subsequent calendar year and in such form and manner as specified by the Administrator, that contains the following:

(A) A description of how the funds will be used to do 1 or more of the following:

(i) To establish or maintain a program or mechanism to help high-risk individuals in the purchase of health benefits coverage, including by reducing premium costs for such individuals and/or persons who are pregnant, who have a high rate of utilization of health services, as measured by cost, and who do not have access to health insurance coverage offered through an employer, enroll in health insurance coverage under a plan offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

(ii) To establish or maintain a program to enter into arrangements with health insurance issuers to assist in the purchase of health care coverage by stabilizing premiums and promoting State health insurance market participation and choice in plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

(iii) To provide payments for health care services, as specified by the Administrator.

(iv) To provide health insurance coverage by funding assistance to reduce out-of-pocket costs such as copayments, coinsurance, and deductibles, of individuals enrolled in plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

(v) To establish or maintain a program or mechanism to help individuals purchase health benefits coverage, including by reducing premium costs for such individuals and/or persons who are pregnant, who have a high rate of utilization of health services, as measured by cost, and who do not have access to health insurance coverage offered through an employer, enroll in health insurance coverage under a plan offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

(vi) Subject to paragraph (4)(B)(iii), to provide health insurance coverage for individuals who are eligible for medical assistance under a State plan under title XIX (but are not described in section 1902(a)(10)(A)(i)(II)(XXIII)) by establishing or maintaining relationships with health insurance issuers to provide such coverage.

(B) A certification that the State shall make, from non-Federal funds, expenditures for 1 or more of the activities specified in subparagraph (A) in an amount that is not less than the State percentage required for the year under paragraph (5)(B)(ii).

(2) USE OF FUNDS.—Funds provided under this subsection shall only be used for the activities specified in subparagraph (A).

(3) CERTIFICATION.—That none of the funds provided under this subsection shall be used by the State for an expenditure that is attributable to an intergovernmental transfer, certified public expenditure, or any other expenditure to finance the non-Federal share of expenditures required under any provision of law, including under the State plans established under this title and title XIX or under a waiver of such plans.

(4) ELIGIBILITY.—Only the 50 States and the District of Columbia shall be eligible for allotments and payments under this subsection and all references in this subsection to a State shall be treated as only referring to the 50 States and the District of Columbia.

(5) ONE-TIME APPLICATION.—If an application of a State submitted under this subsection is approved by the Administrator for a year, the application shall be deemed to be approved by the Administrator for that year and each subsequent year through December 31, 2026.

(4) MARKET-BASED HEALTH CARE GRANT ALLOTMENTS.—

(4) MARKET-BASED HEALTH CARE GRANT ALLOTMENTS.—

(A) APPROPRIATION.—For the purpose of providing allotments to States under this subsection, there is appropriated, out of any money in the Treasury not otherwise appropriated—

(i) for calendar year 2020, $1,400,000,000;

(ii) for calendar year 2021, $1,435,000,000;

(iii) for calendar year 2022, $1,462,500,000;

(iv) for calendar year 2023, $1,495,000,000;

(v) for calendar year 2024, $1,520,000,000;

(vi) for calendar year 2025, $1,555,000,000; and

(vii) for calendar year 2026, $1,585,000,000.

(B) ALLOTMENTS; AVAILABILITY OF ALLOTMENTS.—

(i) IN GENERAL.—In the case of a State with an application approved under this subsection with respect to a year, the Administrator shall allot to the State for the year, from amounts appropriated for such year under subparagraph (A), the amount determined for the State and year under paragraph (5).

(ii) AVAILABILITY OF ALLOTMENTS; UNUSED AMOUNTS.—

In the case of a State with an application approved under this subsection with respect to a year, the amount allotted to the State for the year under subparagraph (A) shall be deposited into the general fund of the Treasury and shall be used for deficit reduction.

(III) LIMITATION.—In no case may a State use more than 10 percent of the amount so appropriated for deficit reduction.

(6) DETERMINATION OF ALLOTMENT AMOUNTS.—

(A) CALENDAR YEAR 2020.—Subject to subparagraph (B), the amount determined under this paragraph for a State for calendar year 2020 is the sum of the following component amounts which is applicable to the State:

(i) With respect to each State, an amount equal to 45 percent of the amount so appropriated for calendar year 2020 under paragraph (4)(A) multiplied by the ratio of—

(1) the number of individuals in the State whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(2)(A)) applicable to a family of the size involved; over

(2) the number of individuals in all States whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

(ii) With respect to each State, an amount equal to 25 percent of the amount so appropriated multiplied by the ratio of—

(1) the number of individuals in the State whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved; over

(2) the number of individuals in all States that, for calendar year 2016, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

(iii) With respect to each State that, for calendar year 2016, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1 percent of the amount so appropriated divided by the number of such States.

(iv) With respect to each State that, for calendar year 2016, had an average population density of at least 1,500 individuals per square mile, an amount equal to 3.5 percent of the amount so appropriated, divided by the number of such States.

(v) With respect to each State that, for calendar year 2016, had an average population density of at least 15 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.

(IV) Allocation from line (as so defined) applicable to a family of the size involved; over

(II) the number of individuals in all States that, for calendar year 2016, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

(ii) With respect to each State that, for calendar year 2016, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1 percent of the amount so appropriated divided by the number of such States.

(iii) With respect to each State that, for calendar year 2016, had an average population density of at least 1,500 individuals per square mile, an amount equal to 3.5 percent of the amount so appropriated, divided by the number of such States.

(iv) With respect to each State that, for calendar year 2016, had an average population density of at least 15 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.

(v) With respect to each State that, for calendar year 2016, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1 percent of the amount so appropriated divided by the number of such States.

(vi) With respect to each State that, for calendar year 2016, had an average population density of at least 1,500 individuals per square mile, an amount equal to 3.5 percent of the amount so appropriated, divided by the number of such States.

(vii) With respect to each State that, for calendar year 2016, had an average population density of at least 15 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.
“(I) the number of Federal payments made to the State for calendar year 2016 for medical assistance provided to individuals under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (including medical assistance provided to individuals who are not newly eligible (as defined in section 1905(y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i));

“(II) the number of individuals in all States whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

“(III) the amount of Federal payments made to the State for calendar year 2016 for operating a Basic Health Program under section 1331 of the Patient Protection and Affordable Care Act in calendar year 2016 on behalf of individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; and

“(IV) the amount of Federal payments for cost-sharing reductions provided for calendar year 2016 under section 1402 of such Act to individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; or

“(v) the amount determined under this paragraph for a State and year shall be equal to—

“(i) for calendar years before 2025—

“the amount determined for the State under subparagraph (A) (after adjustment under subparagraph (B), if applicable) or this subparagraph for the previous year; increased by

“(ii) less than 75 percent of the sum of the amounts described in subclauses (I) through (IV) of clause (i).

“(C) CALENDAR YEARS AFTER 2025 AND BEFORE 2026.—Subject to subparagraph (F), for calendar years after 2020 and before 2026, the amount determined under this paragraph for a State and year shall be equal to—

“(i) for calendar years before 2025—

“the amount determined for the State under subparagraph (A) (after adjustment under subparagraph (B), if applicable) or this subparagraph for the previous year; increased by

“(ii) for calendar year 2025—

“the individual determined for the State under this subparagraph for the previous year, increased by

“(iii) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from October 1 of the previous calendar year to October 1 of the calendar year involved;

“(iv) for calendar year 2025—

“the individual determined for the State under this subparagraph for the previous year, increased by

“(v) the percentage increase in the consumer price index for all urban consumers (U.S. city average) from October 1 of the previous calendar year to October 1 of the calendar year involved.

“(D) CALENDAR YEAR 2026.—Subject to subparagraph (E), the amount determined under this paragraph for a State for calendar year 2026 shall be equal to the sum of the following component amounts which is applicable to the State:

“(i) With respect to each State, an amount equal to 15.5 percent of the amount appropriated for calendar year 2025 under paragraph (a)(1)(B) by the ratio of—

“the number of individuals in the State whose income for calendar year 2025 was less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

“the number of individuals in all States whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

“(ii) With respect to each State, an amount equal to 30 percent of the amount so appropriated multiplied by the ratio of—

“the number of individuals in the State who are not less than 45 and not more than 64 years old; over

“(I) the number of individuals in all States who are not less than 45 and not more than 64 years old.

“(II) With respect to each State, that, for calendar year 2025, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved; over

“(III) the number of individuals in all States that, for calendar year 2025, had a State average per capita income that did not exceed $43,300, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

“(iv) With respect to each State that, for calendar year 2025, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1.5 percent of the amount so appropriated divided by the number of such States.

“(v) With respect to each State that, for calendar year 2025, had an average population density that was greater than 79 individuals per square mile but fewer than 80 individuals per square mile, an amount equal to 8.5 percent of the amount so appropriated, divided by the number of such States.

“(E) CALENDAR YEAR 2026 ALLOTMENT PARAMETERS.—The Secretary shall adjust the amounts determined under this paragraph for States for calendar year 2026 as necessary to ensure that a State’s allotment for calendar year 2026 (prior to any adjustment which may be applicable under subparagraph (F) or distribution under subparagraph (G)) shall in no case be—

“(i) greater than 3.5 times the sum of—

“(I) the amount of Federal payments made to the State for calendar year 2016 for medical assistance provided to individuals under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (including medical assistance provided to individuals who are not newly eligible (as defined in section 1905(y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i));

“(II) the amount of Federal payments made to the State for calendar year 2016 for operating a Basic Health Program under section 1331 of the Patient Protection and Affordable Care Act in calendar year 2016 on behalf of individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; and

“(IV) the amount of Federal payments for cost-sharing reductions provided for calendar year 2016 under section 1402 of such Act to individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; or

“(ii) for calendar years before 2025—

“the amount determined for a State and year (as determined under clause (i)(III) of title XIX (except that, in the case of an individual who is enrolled under the State plan under clause (i)(VIII), (ii)(XX), or (iv)(XXII) of section 1902(a)(10)(A) or is described in any such clause and is enrolled in such a manner as to be considered to be enrolled under such State plan for purposes of this clause).

“(II) ADJUSTMENT FOR ADDITIONAL SIGNIFICANT FACTORS.—the amount determined for a State and year under clause (i) if the Secretary determines that an adjustment to be appropriate based on statistically and actuarially significant factors, which may include—

“(aa) the population of older individuals in the State, relative to other States;

“(bb) the percentage of individuals in the State, relative to other States; and

“(cc) variations in regional costs of care.

“(IV) RULES OF APPLICATION.—This paragraph applies in determining the appropriate percentages by which to adjust States’ allotments for a calendar year under this subparagraph, the Secretary shall determine that such adjustments shall be made in a manner that does not result in a net increase in Federal payments under this section for such year, and if the Secretary cannot adjust the amounts of such allotments in such a manner there shall be no adjustment under this paragraph for such year.

“(II) NONAPPLICATION TO LOW-ENROLLMENT STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile,
based on the most recent data available from the Bureau of the Census.

"(G) REDUCTION FOR EXPENDITURES ON EXPANSION POPULATION.—In the case of an expansion amount of the allotment determined for the State for a calendar year under this paragraph shall be reduced by the amount of Federal payments received by the State for medical assistance provided to individuals under section 1902(a)(10)(A)(ii)(XXIII) for the year.

"(H) DISTRIBUTION OF UNALLOCATED FUNDS.—To the extent that funds appropriated for a calendar year under paragraph (4)(A) remain unallocated after the determinations, adjustments, and reductions made under the preceding subparagraphs of this paragraph, the Secretary shall increase the allotments so determined and adjusted for States that have a per capita allotment amount that is below the mean low income per capita allotment amount for all States in a manner to be determined by the Secretary.

"(I) EXPANSION STATE DEFINED.—In this paragraph, the term ‘expansion State’ means, with respect to a State and year, a State that provided for eligibility for medical assistance under the State plan established under title XIX on the basis of clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) or (provided eligibility for individuals described in such clause under a waiver approved under section 115) during calendar year 2017.

"(J) PAYMENTS.—

"(A) ANNUAL PAYMENT OF ALLOTMENTS.—Subject to subparagraph (B), the Administrator shall pay to each State that has an application approved under this subsection for a year, from the amount allotted to the State under paragraph (4)(B) for the year, an amount equal to 100 percent of the Federal share of the expenditures incurred with respect to taxable years ending after December 31, 2016.

"(B) STATE EXPENDITURES REQUIRED BEGINNING 2022.—For purposes of subparagraph (A), the Federal percentage is equal to 100 percent reduced by the State percentage that year, and the State percentage is equal to—

"(i) in the case of calendar year 2023, 3 percent;

"(ii) in the case of calendar year 2024, 3 percent;

"(iii) in the case of calendar year 2025, 4 percent;

"(iv) in the case of calendar year 2026, 5 percent;

"(v) in the case of calendar year 2027, 5 percent; and

"(vi) in the case of calendar year 2028, 6 percent.

"(C) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—

"(i) IN GENERAL.—If the Administrator deems it appropriate, the Administrator shall make payments under this subsection for each year on the basis of advance estimates of the expenditures for which the Administrator shall make payments under this subsection for the year, and such other information as the Administrator shall find necessary, and shall reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior years.

"(ii) MISUSE OF FUNDS.—If the Administrator determines that a State is not using funds paid to the State under this subsection in a manner consistent with the description provided by the State in its application approved under paragraph (1), the Administrator may withhold payments, reduce payments, or recover previous payments to the State under this subsection as the Administrator deems appropriate.

"(D) DISTRIBUTION IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claim-
exchange for a fixed periodic fee or payment for such services—

"(A) shall not be treated as a health plan for purposes of paragraphs (1)(A)(i) and (B) shall be treated as insurance for purposes of subsection (d)(2)(B).

(b) PROVIDER FEE TO BE TREATED AS MEDICAL CARE.—Section 213(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date on which the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.

SEC. 116. MAXIMUM CONTRIBUTION LIMIT TO HIGH DEDUCTIBLE HEALTH PLANS INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking "$3,250" and inserting "the amount in effect under subsection (c)(2)(A)(i)(II)".

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of such Code is amended by striking "$4,500" and inserting "the amount in effect under subsection (c)(2)(A)(i)(III)".

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(c)(1) of such Code is amended—

(1) in subsections (b)(2) and (A) thereof;

(2) in subparagraph (A), by striking "calendar year 2003." and inserting "determined by substituting "calendar year 2003" for "calendar year 1992" in subparagraph (B) thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 117. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) who is not described in any of the following:

(1) in clause (i)(VIII), by inserting "and" after "before January 1, 2020"; and

(2) in clause (ii)(V), by striking "before January 1, 2020".

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

SEC. 118. EXCLUSION FROM HSAs OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(i) the limitation under paragraph (1) shall not apply to amounts paid to Archer MSAs of such spouses or to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as described in subparagraph (A)(iii) of section 223(g)(1) of such Code is amended—

(1) in section 1986 is amended by adding at the end the following new subparagraph:

"(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date on which the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 119. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Section 1943(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended by adding at the end the following new subparagraph:

"(V) who is not described in any of the following:

(1) in section 1915(k)(2), by striking "through 2019" after "each year thereafter"; and

(2) in subparagraph (B)(ii)(VI), by striking "and each subsequent year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply after December 31, 2019.

SEC. 120. MEDICAID.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(D) who is not described in any of the following:

(1) in clause (i)(VIII), by inserting "and" after "before January 1, 2020"; and

(2) in clause (ii)(V), by striking "before January 1, 2020".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply after December 31, 2019.

SEC. 121. REPEAL OF MEDICAID EXPANSION.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902(a)(10)(A), by inserting "(50 percent on or after January 1, 2020)";

(2) in section 1902(a)(10)(A), by inserting "(50 percent on or after January 1, 2020)" after "55 percent"; and

(3) in section 1915(k)(2), by striking "through the period described in paragraph (1)" and inserting "on or after the date referred to in paragraph (1) and before January 1, 2020".

(b) EFFECTIVE DATE.—The amendment made by this section shall not apply after December 31, 2019.

(1) in section 1902(a)(10)(A), by inserting "(50 percent on or after January 1, 2020)" after "55 percent";

(2) in section 1915(k)(2), by striking "before January 1, 2020".

(c) EFFECTIVE DATE.—The amendment made by this section shall not apply after December 31, 2019.

(1) in section 1915(k)(2), by striking "through the period described in paragraph (1)" and inserting "on or after the date referred to in paragraph (1) and before January 1, 2020"; and

(2) in clause (i)(VIII), by inserting "and each subsequent year".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply after December 31, 2019.

SEC. 122. REMOVAL OF CONGRESSIONAL RECORD.—SENATE
PERCENTAGE.—For each calendar quarter
blind or disabled, in or after the third month
or older or who is eligible for medical assist-
vidual, another individual acting on the indi-
''in or after the month in which the indi-
1902(a)(34) of the Social Security Act (42
on an application for such assistance made
on an application for assistance,''.
section, the term 'work requirement' means,
''(2) APPLICATION OF RELATED PROVISIONS.—
Any reference in subsection (a)(10)(G), (k), or
gg) of this section or in section 1903, 1905(a),
1906(e)(13) or to individuals, described in subclause (VII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.
and
(2) in section 1905 (42 U.S.C. 1396d)—
(A) in subsection (y)(1), by striking ''; and'' at the end of subparagraph (D) and all that follows through ''thereafter''; and
(B) in section 122—
(i) in subparagraph (A), by striking ''each
year thereafter'' and inserting ''through 2019''; and
(ii) in subparagraph (B)(1), by striking ''is
80 percent'' in subclause (IV) and all that follows through ''100 percent'' and inserting ''and subsequent years is 80 percent''.
SEC. 122. REDUCING STATE MEDICAID COSTS.
(a) IN GENERAL.—
(1) STATE PLAN REQUIREMENTS.—Section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) is amended by striking ''in or after the third month'' and all that follows through ''individual'' and inserting ''in or after the month in which the individual reaches age 60''.
(2) INCREASE IN MATCHING RATE FOR IMPLE-
''(a) IN GENERAL.—Section 1902 of the Social
Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:
''(oo) OPTIONAL WORK REQUIREMENT FOR NONDISABLED, NONELDERLY, NONPREGNANT INDIVIDUALS.—
''(1) IN GENERAL.—Beginning October 1,
2017, subject to paragraph (3), a State may elect to condition medical assistance to a nondisabled, nonelderly, nonpregnant individual under this title upon such individual's satisfaction of a work requirement (as defined in paragraph (2)).
''(2) WORK REQUIREMENT DEFINED.—In this section, the term 'work requirement' means, with respect to an individual, the individual's participation in work activities (as defined in section 401(d)) for such period of time as determined by the State, and as directed and administered by the State.
''(3) REQUIRED EXCEPTIONS.—States admin-
istering a work requirement under this sub-
section may apply such requirement to—
''(A) a woman during pregnancy through
the end of the month in which the 60-day
period (beginning on the last day of her preg-
nancy) ends;
''(B) an individual who is under 19 years of age;
''(C) an individual who is the only parent or caretaker relative in the family of a child who has not attained 6 years of age or who is the only parent or caretaker of a child with disabilities; or
''(D) an individual who is married or a head of household and has not attained 20 years of age and who—
''(i) maintains satisfactory attendance at secondary school through equivalent; or
''(ii) participates in education directly related to employment.
''(4) INCREASE IN MATCHING RATE FOR IMPLE-
''(a) IN GENERAL.—Section 1903 of the Social
Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:
''(aa) matching percentage otherwise applicable under subsection (a) with respect to State administrative expenditures during a calendar quarter for which the State receives payment under such subsection shall, in addition to any other increase to such Federal matching percentage, be increased for such calendar quarter by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to implement subsection (o) of section 1903.
SEC. 125. PROVIDER TAXES.
Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396w(4)(C)) is amended by adding at the end the following new clause:
''(iii) For purposes of clause (I), a deter-
mination of the existence of an indirect guarantee shall be made under paragraph (B) of section 255 of the Code of Federal Regulations, as in effect on June 1, 2017, except that—
''(I) for fiscal year 2021, 5.8 percent shall be substituted for '6 percent' each place it appears;
''(II) for fiscal year 2022, 5.6 percent shall be substituted for '6 percent' each place it appears;
''(III) for fiscal year 2023, 5.4 percent shall be substituted for '6 percent' each place it appears; and
''(IV) for fiscal year 2024, 5.2 percent shall be substituted for '6 percent' each place it appears.
SEC. 126. PER CAPITA ALLOTMENT FOR MEDICAL ASSISTANCE.
(a) IN GENERAL.—Title XIX of the Social Security Act is amended—
(1) in section 1901 (42 U.S.C. 1396a)—
(A) in subsection (a), in the matter before paragraph (1), by inserting ''and section 1902(a)(34) as otherwise provided in this section''; and
(B) in subsection (d), by striking ''to which'' and inserting ''to which, subject to section 1902(a)(34)'';
and
(2) by inserting after such section 1903 the following new section:
''SEC. 1903(a)(34). PER CAPITA BASED CAP ON PAY-
MENTS FOR MEDICAL ASSISTANCE.
''(a) APPLICATION OF PER CAPITA CAP ON PAYMENTS FOR MEDICAL ASSISTANCE EXPEND-
''(1) IN GENERAL.—If a State which is one of the 50 States or the District of Columbia has excess aggregate medical assistance expend-
itures (as defined in paragraph (2)) for a fiscal year (beginning with fiscal year 2020), the amount of payment to the State under section 1903(a)(1) for each quarter in the fol-
lowing fiscal year shall be reduced by 1% of the excess aggregate medical assistance pay-
ments (as defined in paragraph (3)) for that previous fiscal year. In this section, the term 'State' means only the 50 States and the Dis-
trict of Columbia.
''(2) EXCESS AGGREGATE MEDICAL ASSIST-
ANCE EXPENDITURES.—In this subsection, the term 'excess aggregate medical assistance expenditures' means, for a State for a fiscal year, the amount (if any) by which—
(A) the amount of the target total medical assistance expenditures (as defined in subsection (c)) for the State and fiscal year exceeds;
(B) the amount of the target total medical assistance expenditures (as defined in subsection (c)) for the State for the fiscal year;
''(3) EXCESS AGGREGATE MEDICAL ASSIST-
ANCE PAYMENTS.—In this subsection, the term 'excess aggregate medical assistance payments' means, for a State for a fiscal year, the product of—
(A) the excess aggregate medical assistance expenditures (as defined in paragraph (2)) for the State for the fiscal year; and
(B) the Federal average medical assistance matching percentage (as defined in paragraph (4)) for the State for the fiscal year;
''(4) FEDERAL AVERAGE MEDICAL ASSIST-
ANCE MATCHING PERCENTAGE.—In this subsection, the term 'Federal average medical assistance matching percentage', for a State for a fiscal year, is the ratio (expressed as a per-
centage) of—
''(A) the amount of the Federal payments that would be made to the State under section 1903(a)(1) for medical assistance expend-
tures attributable to activities carried out by the State during the fiscal year if paragraph (1) did not apply; to
''(B) the amount of the medical assistance expenditures for the State and fiscal year.
''(5) PER CAPITA BASE PERIOD.—In this section, the term 'per capita base period' means, with respect
to a State, a period of 8 (or, in the case of a State selecting a period under subparagraph (D), not less than 4) consecutive fiscal quarters selected by the State.

(1) IN GENERAL.—In the case of a State selecting a base period under this paragraph, the Secretary shall—

(i) select a period of 8 (or, in the case of a State selecting a base period under this paragraph, not less than 4) consecutive fiscal quarters for which all the data necessary to make determinations required under this section are available, as determined by the Secretary; and

(ii) shall not select any period of 8 (or, in the case of a State selecting a base period under this paragraph, not less than 4) consecutive fiscal quarters that begins with a fiscal quarter earlier than the first quarter of fiscal year 2016 or ends with a fiscal quarter later than the third fiscal quarter of 2017.

(2) BASE PERIOD FOR LATE-EXPANDING STATES.—

(i) IN GENERAL.—In the case of a State that did not receive for medical assistance for the 1903A enrollee category described in section 1923.

(ii) APPLICATION OF OTHER REQUIREMENTS.—Except for the requirement that a per capita base period be a period of 8 consecutive quarters, all other requirements of this paragraph shall apply to a per capita base period selected under this subparagraph.

(iii) APPLICATION OF BASE PERIOD ADJUSTMENTS.—The adjustments to amounts for per capita base periods required under subsections (b) and (d) shall be applied to amounts for per capita base periods selected under this subparagraph by substituting ‘divided by the ratio that the number of quarters in the base period bears to 4’ for ‘divided by 2’ in paragraphs (2) and (3).

(3) ADJUSTMENT BY THE SECRETARY.—If the Secretary determines that a State took actions after the date of enactment of this section to retroactively adjust supplemental payment data in a manner that affects a fiscal quarter in the per capita base period to diminish the quality of the data from the per capita base period used to make determinations under this section, the Secretary may adjust the data as the Secretary determines appropriate.

(b) FEDERAL MEDICAL ASSISTANCE EXPENSES.—Subject to subsection (g), the following shall apply:

(1) In this section, the term ‘adjusted total medical assistance expenditures’ means, for a State——

(A) for the State’s per capita base period (as defined in subsection (a)(3)), the product of—

(i) the amount of the medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that is attributable to 1903A enrollees, reduced by the amount of any excluded expenditures (as defined in paragraph (3)) for the year; and

(ii) the 1903A base period population percentage (as defined in paragraph (4)) for the State during such year;

(B) for fiscal year 2019 or a subsequent fiscal year, the amount of the medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that is attributable to 1903A enrollees, reduced by the amount of any excluded expenditures (as defined in paragraph (3)) for the year; and

(C) the Secretary determines that such an exemption would be appropriate.

(2) MAXIMUM ACHIEVABLE STATE MEDICAL ASSISTANCE EXPENSES.—The amount excluded for a State and fiscal year or portion of a fiscal year under this paragraph shall not exceed the amount by which——

(i) the amount of State medical assistance for 1903A enrollees in areas of the State which are subject to a decennial census described in subparagraph (A) for the fiscal year or portion of a fiscal year; exceeds

(ii) the amount of such expenditures for such enrollees in such areas during the most recent fiscal year or portion of a fiscal year of equal length to the portion of a fiscal year involved during which no such declaration was in effect.

(3) AGGREGATE LIMITATION ON EXCLUSIONS AND ADDITIONAL BLOCK GRANT PAYMENTS.—The aggregate amount of expenditures excluded under this paragraph and additional payments made under section 1903B(c)(3)(E) for the period described in subparagraph (A) shall not exceed $5,000,000.

(4) REVIEW.—If the Secretary determines that a State’s medical assistance expenditures for the 1903A enrollee category described in section 1923.

(5) Parameters.—In the case of a State selecting a base period under subsection (a)(5), the product determined under subsection (e)(4) (for the enrollee category, State, and fiscal year, the sum of the products, for each of the 1903A enrollee categories (as defined in subsection (e)(2)) of——

(A) the per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year; and

(B) the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4).

(6) TARGET TOTAL MEDICAL ASSISTANCE EXPENSES.—In this section, the term ‘target total medical assistance expenditures’ means, for a State for a fiscal year, the sum of the products, for each of the 1903A enrollee categories (as defined in subsection (e)(2)) of——

(A) the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year, and

(B) the applicable annual inflation factor (as defined in paragraph (3)) for fiscal year 2020; and

(7) (B) for each succeeding fiscal year, an amount equal to——

(i) the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year, increased by

(ii) the applicable annual inflation factor (as defined in paragraph (3)) for fiscal year 2020; and

(8) (B) for each succeeding fiscal year, an amount equal to——

(i) the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year, increased by

(ii) the applicable annual inflation factor (as defined in paragraph (3)) for fiscal year 2020; and

(iii) the applicable annual inflation factor for that succeeding fiscal year.

(9) APPLICABLE ANNUAL INFLATION FACTOR.—In this section, the term ‘applicable annual inflation factor’ means——

(A) for fiscal years before 2025——

(B) for each of the 1903A enrollee categories described in paragraph (2), the term ‘applicable annual inflation factor’ means——

(C) (D) and (E) of subsection (e)(2), the percentage increase in the medical care component of

""
the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved; and

(ii) the average per capita medical assistance expenditures for the State for fiscal year 2019 (as calculated under subsection (b)(1)) for the State for fiscal year 2019 for the enrollee category equal to the average medical assistance expenditures per capita for the State for fiscal year 2019 (as calculated under subsection (b)(1)) for the State for fiscal year 2019 for the enrollee category.

(3) For the purpose of determining the per capita target amount for each enrollee category, the State shall include in the non-DSH supplemental payments described in subparagraph (A)(ii) and adjusted under subparagraph (E) any amount attributable to payments described in subparagraph (A)(ii) and adjusted under subparagraph (E) that is in addition to any payments made to the provider under the plan (or waiver) for any such item or service; and

(i) the number of enrollees for the State, category, and year; and

(ii) the number of enrollees for the State, category, and fiscal year involved.

(6) Adjustment for categorical medical assistance expenditures for a 1903A enrollee category, State, and fiscal year, as determined under paragraph (2), shall be adjusted (subject to subparagraph (G)(ii)) in accordance with this paragraph.

(7) The amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019 for the enrollee category equal to—

(A) the amount calculated under subparagraph (A);

(B) the number calculated under subparagraph (B).

(8) FISCAL YEAR 2019 AVERAGE PER CAPITA AMOUNTS PER CAPITA BASE PERIOD AMOUNT FOR FISCAL YEAR 2019 BY CPI-MEDICAL.—The Secretary shall calculate a fiscal year 2019 average per capita amount for each enrollee category equal to—

(A) the average per capita medical assistance expenditures for the State for the State’s per capita base period calculated under paragraph (2); and

(B) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of fiscal year 2019.

(9) AVERAGE AND AVERAGE EXPENDITURES PER ENROLLEE FOR FISCAL YEAR 2013.—The Secretary shall calculate for each enrollee category equal to each enrollee category:

(A) the amount calculated under subparagraph (A); and

(B) the number calculated under subparagraph (B).
“(1) the fiscal year 2019 average per capita amount for the State, as calculated under paragraph (2); and

“(ii) the number of 1903A enrollees for the State for calendar year 2019, as calculated under paragraph (3)(A); to

“(B) the amount of the adjusted total medical assistance expenditures for the State for calendar year 2019, as calculated under paragraph (3)(A).

“(e) 1903A ENROLLEE; 1903A ENROLLEE CATEGORY.—Subject to subsection (g), for purposes of this section, the following shall apply:

“(1) 1903A ENROLLEE.—The term ‘1903A enrollee’ means, with respect to a State, an individual who—

“(i) is enrolled in a group health plan that is eligible for medical assistance for items or services under this title and enrolled under the State plan (or a waiver of such plan) under this title for the month;

“(ii) is eligible for medical assistance under the State plan (or a waiver of such plan) for the month;

“(iii) is enrolled in the State plan (or a waiver of such plan) for the month; or

“(B) the growth factor otherwise applicable under subsection (c)(2)(B) shall be decreased by 1 percentage point.

“(8) RECALCULATION OF CERTAIN AMOUNTS FOR FISCAL YEARS 2018 AND 2019.—The amounts and percentage calculated under paragraphs (1) and (4)(C) of subsection (d) for a State for the State’s per capita base period, and the amounts of the adjusted total medical assistance expenditures calculated under subsection (b) and the number of Medicaid enrollees are recalculated under subsection (e)(4) for a State for the State’s per capita base period, fiscal year 2019, and any subsequent fiscal year, which may be adjusted by the Secretary based upon an appeal filed under subsection (g) of this section.

“(9) SECTION 1903(v)(2) MEDICAID ENROLLEES.—If an enrollee category under section 1903(v)(2); or

“(ii) for amounts expended during calendar quarters beginning on October 1, 2017, and before October 1, 2019—

“(A) the Federal matching percentage applied under section 1903(a)(3)(A)(i) shall be increased by 10 percentage points to 100 per cent; and

“(B) the Federal matching percentage applied under section 1903(a)(3)(B) shall be increased by 25 percentage points to 100 per cent.

“(10) HHS REPORT ON ADOPTION OF T-MSIS DATABASE.—Not later than January 1, 2023, the Secretary shall submit to Congress a report making recommendations as to whether data from the Transformed Medicaid Statistical Information System would be preferable to current data reports for purposes of making the determinations necessary under this section.

“(a) ENSURING ACCESS TO HOME AND COMMUNITY-BASED SERVICES.—

“(1) IN GENERAL.—The Secretary shall establish a demonstration project (referred to in this paragraph as the ‘demonstration project’) under which eligible States may make HCBS payment adjustments for the purpose of continuing to provide and improving the quality of home and community-based services provided under a waiver under subsection (c) (or (d) or (e) of the Secretary’s per capita target amount for the 1903A enrollee category described in subsection (e)(2)(E).

“(2) SELECTION OF ELIGIBLE STATES.—

“(A) APPLICATION.—A State seeking to participate in the demonstration project shall submit to the Secretary, at such time and in such manner as the Secretary determines to be valid, except that

“(ii) the Secretary determines to be valid, except that any adjustment by the Secretary under this paragraph will result in a 1 percentage point decrease in the target total medical assistance expenditures exceeding 2 percent.

“(b) REQUIRED REPORTING AND AUDITING; TRANSITIONAL INCREASE IN FEDERAL MATCHING PERCENTAGE FOR CERTAIN ADMINISTRATIVE EXPENSES.—

“(1) AUDITING OF CMS-64 DATA.—The Secretary shall conduct for each State an audit of the number of individuals and expenditures reported through the CMS-64 report for amounts expended during fiscal years 2018 and 2019, and each subsequent fiscal year, which audit may be conducted on a representative sample (as determined by the Secretary).
(3) TERM OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted for the 4-year period beginning on January 1, 2020, and ending on December 31, 2023.

(4) STATE ALLOTMENTS AND INCREASED FMAP FOR PAYMENT ADJUSTMENTS.—

(a) IN GENERAL.—

(i) State demonstration project.—Subject to clause (ii), for each year of the demonstration project, the Secretary shall allot an amount to each State that is an eligible State for the year.

(ii) LIMITATION ON FEDERAL SPENDING.—The aggregate amount that may be allotted to eligible States under clause (i) for all years of the demonstration project shall not exceed $8,000,000,000.

(b) FMAP APPLICABLE TO HCSB PAYMENT ADJUSTMENTS.—For each year of the demonstration project, notwithstanding section 1905(b) but subject to the limitations described in subparagraph (C), the Federal medical assistance percentage applicable with respect to expenditures by an eligible State that are attributable to HCSB payment adjustments shall be equal to (and shall in no case exceed) 100 percent.

(c) PROVIDER AND ALLOTMENT LIMITATIONS.—Payment under section 1903(a)(2)(B) shall not be made to an eligible State for expenditures for a year that are attributable to an HCBS payment adjustment:

(i) that is paid to a single provider and exceeds a percentage which shall be established by the Secretary of the payment otherwise made to the provider;

(ii) to the extent that the aggregate amount of HCBS payment adjustments made by the State in the year exceeds the amount of payment otherwise made to the State for the year under clause (i).

(5) REPORTING AND EVALUATION.—

(a) IN GENERAL.—As a condition of receiving the increased Federal medical assistance percentage described in paragraph (4)(B), each eligible State shall collect and report information, as determined necessary by the Secretary, for the purposes of providing Federal oversight and evaluating the State's compliance with the health and welfare and financial accountability safeguards taken by the State under section 1903A(a)(4).

(b) FORMS.—Expenditures by eligible States on HCBS payment adjustments shall be separately reported on the CMS-64 Form and in T-MIS.

(6) DEFINITIONS.—In this subsection:

(A) ELIGIBLE STATE.—The term 'eligible State' means a State that—

(i) is one of the 50 States or the District of Columbia;

(ii) has in effect—

(I) a waiver under subsection (c) or (d); or

(II) a State plan amendment under subsection (i);

(iii) submits an application under paragraph (2)(A); and

(iv) is selected by the Secretary to participate in the demonstration project.

(B) HCBS PAYMENT ADJUSTMENT.—The term 'HCBS payment adjustment' means a payment adjustment made by an eligible State to the amount of payment otherwise provided under a waiver under subsection (c) or (d) or under amendment to a State plan described in paragraph (2)(A) for a home and community-based service which is provided to a 1903A enrollee (as defined in section 1903A(e)(1)) who is in the eligible category for which the amount of payment adjustments made to the provider; or

(ii) the extent that the aggregate amount of HCBS payment adjustments made by the State in the year exceeds the amount of payment otherwise made to the State for the year under clause (i).

(c) REPORTING AND EVALUATION.—An application under this subsection shall include the following:

(A) A description of the proposed Medicaid Flexibility Program and how the State will satisfy the requirements described in subsection (d).

(B) The proposed conditions for eligibility of program enrollees.

(C) The applicable program enrollee category (as defined in subsection (e)(1)).

(D) A description of the types, amount, duration, and scope of services which will be offered as targeted health assistance under the program, including a description of the proposed package of services which will be offered to program enrollees.

(E) A description of how the State will notify individuals currently enrolled in the State plan for medical assistance under this title of the transition to such program.

(F) Statements certifying that the State agrees to—

(i) submit regular enrollment data with respect to the program to the Centers for Medicare & Medicaid Services at such time and in such manner as the Secretary may require;

(ii) submit timely and accurate data to the transformed Medicaid Statistical Information System (T-MIS);

(iii) report annually to the Secretary on adult health quality measures implemented under the program and information on the quality of health care furnished to program enrollees under the program as part of the annual report required under section 1139B(d); and

(iv) submit such additional data and information not described in any of the preceding subparagraphs as the Secretary shall require.

(d) TIMELINE FOR SUBMISSION.—

(A) IN GENERAL.—A State shall submit an application under this subsection to conduct a Medicaid Flexibility Program that would begin in the next fiscal year at any time, subject to subparagraph (B).

(B) DEADLINES.—For each fiscal year beginning with 2019, the Secretary shall specify a deadline for submitting an application under this subsection to conduct a Medicaid Flexibility Program that would begin in the next fiscal year, but such deadline shall not be earlier than 60 days after the date that the Secretary publishes the amounts of State block grants as required under subsection (c)(4).

(e) FINANCING.—

(A) IN GENERAL.—For each fiscal year during which a State is conducting a Medicaid Flexibility Program, the Secretary shall, as the amount of the so-called alternative proportionate share of any payment otherwise payable to the State under this title for medical assistance for program enrollees, the amount specified in this subparagraph shall be equal to the Federal average medical assistance matching percentage (as defined in section 1903A(a)(4)) for the State and year multiplied by the product of—

(i) the target per capita medical assistance expenditures (as defined in section 1903A(c)(2)) for the State, year, and category; and

(ii) the number of 1903A enrollees in such category for the State for the second fiscal year preceding such first fiscal year, increased by the percentage increase in State population from such second preceding fiscal year to such first fiscal year, based on the best available estimates of the Bureau of the Census.

(B) ENROLLEE CATEGORY AMOUNTS.—

(i) FOR INITIAL YEAR.—Subject to subparagraph (C), for the first fiscal year in which a 1903A enrollee category is first applicable for program enrollees, the amount determined under subparagraph (B) for each 1903A enrollee category within the applicable program enrollee category for the State and year shall be equal to the Federal average medical assistance matching percentage (as defined in section 1903A(a)(4)) for the State and year multiplied by the product of—

(i) the target per capita medical assistance expenditures (as defined in section 1903A(c)(2)) for the State, year, and category; and

(ii) the number of 1903A enrollees in such category for the State for the second fiscal year preceding such first fiscal year, increased by the percentage increase in State population from such second preceding fiscal year to such first fiscal year, based on the best available estimates of the Bureau of the Census.

(ii) FOR ANY SUBSEQUENT YEAR.—For any fiscal year that is not the first fiscal year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the block grant amount under this paragraph for the State, year, and category shall be equal to the amount determined for the State and category for the most recent previous fiscal year in which the

SEC. 127. FLEXIBLE BLOCK GRANT OPTION FOR STATES.

Title XIX of the Social Security Act, as previously amended, is further amended byinserting after section 1903A the following new section:
State conducted a Medicaid Flexibility Program that included such category, except that such amount shall be increased by the percentage increase in the consumer price index, all urban consumers (U.S. city average) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year preceding the fiscal year involved.

“(C) CAP ON TOTAL POPULATION OF 1903A EN-ROLLERS FOR PURPOSES OF BLOCK GRANT CAL-CULATIONS.—

“(1) IN GENERAL.—In calculating the amount of a block grant for the first year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State under subparagraph (B), the total number of 1903A enrollees in such category for the State for the fiscal year and year shall not exceed the adjusted number of base period enrollees for the State (as defined in clause (ii)).

“(ii) ADJUSTED NUMBER OF BASE PERIOD EN-ROLLERS.—The term ‘adjusted number of base period enrollees’ means, with respect to a State and 1903A enrollee category, the number of enrollees in the applicable program enrollee category for the State for the State’s per capita base period (as determined under section 1903A(a)(4)) increased by the percentage increase in the total State population from the last April in the State’s per capita base period to April of the fiscal year preceding the fiscal year involved (determined using the best available data from the Bureau of the Census) plus 3 percentage points.

“(B) FEDERAL PAYMENT AND STATE MAINTENANCE OF EFFORT.—

“(A) FEDERAL PAYMENT.—Subject to subparagraphs (D) and (E), the Secretary shall pay to each State conducting a Medicaid Flexibility Program under this section for a fiscal year, from its block grant amount under paragraph (2) for such year, an amount for each quarter of such year equal to the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) for the State for the State’s per capita base period (deter-

“(ii) T RANSITION PLAN REQUIREMENT.—A State conducting a Medicaid Flexibility Program shall provide targeted health assistance to program enrollees in areas affected by a public health emergency.

“(B) PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—No payment shall be made under this subparagraph to a State conducting a Medicaid Flexibility Program unless such program meets the requirements of this subsection.

“(B) PROGRAM REQUIREMENTS.—

“(1) IN GENERAL.—A State Medicaid Flexibility Program approved under subsection (b) shall be conducted for not less than 1 program period;

“(ii) at the option of the State, may be continued for succeeding program periods by submitting an application under subsection (b), provided that—

“(C) REDUCTION IN BLOCK GRANT AMOUNT .—

“(ii) IN GENERAL.—In the case of a State and fiscal year or portion of a fiscal year for which the Secretary has excluded expenditures under section 1903A(b)(6), if the State has uncompensated targeted health assistance expenditures for the year or portion of a year, the Secretary may make an additional payment to such State equal to the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) for the year or portion of a year determined by the amount of such uncompensated targeted health assistance expenditures, except that the amount of such payment shall not exceed the amount determined for the State and year or portion of a year under clause (i).

“(D) REDUCTION FOR NONCOMPLIANCE.—If the Secretary determines that a State conducting a Medicaid Flexibility Program is not in compliance with the requirements of this section, the Secretary may withhold payments, reduce payments, or recover previous payments to the State under this section as the Secretary deems appropriate.

“(1) IN GENERAL.—In the case of a State and fiscal year or portion of a fiscal year for which the Secretary has excluded expenditures under section 1903A(b)(6), if the State has uncompensated targeted health assistance expenditures for the year or portion of a year, the Secretary shall be in effect, conduct an audit of the State’s targeted health assistance expenditures for program enrollees to whom the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

“(3) PROVISION OF TARGETED HEALTH ASSISTANCE.—

“(A) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program, the per capita cap limitations provided by this title shall not apply with respect to the health care needs of program enrollees and such assistance shall be instead of medical assistance which would otherwise be required to such enrollees under this title.

“(B) CONDITIONS FOR ELIGIBILITY.—

“(i) IN GENERAL.—A State conducting a Medicaid Flexibility Program shall establish conditions for eligibility of program enroll-
1902(a)(10)(A)(i), a State conducting a Medicaid Flexibility Program shall provide as targeted health assistance the following types of services:

(i) Inpatient and outpatient hospital services.

(ii) Laboratory and X-ray services.

(iii) Nursing facility services for individuals subject to a waiver of such plan

(iv) Physician services.

(v) Home health care services (including home nursing services, medical supplies, equipment, and home health agencies and services).

(vi) Rural health clinic services (as defined in section 1905(b)(1)).

(vii) Federally-qualified health center services (as defined in section 1905(b)(2)).

(viii) Family planning services and supplies.

(ix) Nurse midwife services.

(x) Certified pediatric and family nurse practitioner services.

(xi) Freestanding birth center services (as defined in section 1905(i)(5)).

(xii) Emergency medical transportation.

(xiii) Non-dental emergency services.

(xiv) Pregnancy-related services, including, for the fiscal year beginning on the last day of a pregnancy.

(B) Optional Benefits.—A State may, at its option, provide services in addition to the services described in subparagraph (A) as targeted health assistance under a Medicaid Flexibility Program.

(C) MANDATORY SERVICES.

(i) IN GENERAL.—The targeted health assistance provided by a State to any group of program enrollees under a Medicaid Flexibility Program shall have an aggregate actuarial value that is equal to at least 95 percent of the aggregate actuarial value of the benchmark plan, as described in subsection (b)(1) of section 1907 and benchmark-equivalent coverage described in subsection (b)(3) of such section, as such subsections were in effect prior to the enactment of the Patient Protection and Affordable Care Act.

(ii) AMOUNT, DURATION, AND SCOPE OF BENEFITS.—Subject to clause (i), the State shall determine the amount, duration, and scope with respect to services provided as targeted health assistance under a Medicaid Flexibility Program, including with respect to services provided to a beneficiary described in subparagraph (B) of section 1902(a) and any other provision of such section that the Secretary determines is applicable to such services.

(iii) MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE AND PARITY.—The targeted health assistance provided under a Medicaid Flexibility Program shall include mental health services and substance use disorder services and the financial requirements and treatment limitations applicable to such services under the program shall comply with the requirements of section 2726 of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

(iv) PRESCRIPTION DRUGS.—If the targeted health assistance provided by a State to program enrollees under a Medicaid Flexibility Program includes assistance for covered outpatient drugs, such drugs shall be subject to a rebate agreement that complies with the requirements of section 1927, and any other requirements applicable to medical assistance for covered outpatient drugs under a State plan (including the requirement that the State make an exhaustion determination to a manufacturer) shall apply in the same manner to targeted health assistance for covered outpatient drugs under a Medicaid Flexibility Program.

(b) Costs Sharing.—A State conducting a Medicaid Flexibility Program may impose premiums, deductibles, cost-sharing, or other similar charges, except that the total annual aggregate amount of all such charges imposed with respect to all program enrollees in a fiscal year shall not exceed 5 percent of the family’s income for the year involved.

45) ADMINISTRATION OF PROGRAM.—Each State conducting a Medicaid Flexibility Program shall—

(A) SINGLE AGENCY.—Designate a single State agency responsible for administering the program.

(B) ENROLLMENT SIMPLIFICATION AND COORDINATION WITH STATE HEALTH INSURANCE EXCHANGES.—Provide for simplified enrollment (including online enrollment and reenrollment and electronic verification) and coordination with state health insurance exchanges.

(C) BENEFACTOR PROTECTIONS.—Establish a fair process (which the State shall describe in the application required under subsection (b) for individuals to appeal adverse eligibility determinations with respect to the program.

6) APPLICATION OF REST OF TITLE XIX.—(A) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that has in effect a waiver or State plan amendment that is inconsistent with another provision of this title, the provisions of this section shall apply.

(B) APPLICABILITY OF SECTIONS 1903 AND 1905.—With respect to a State conducting a Medicaid Flexibility Program, section 1903A shall be applied as if program enrollees were not 1903A enrollees for each program period during which the State conducts the program.

(C) WAIVERS AND STATE PLAN AMENDMENTS.—

(i) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that has in effect a waiver or State plan amendment that is inconsistent with another provision of this title, the provisions of this section shall apply.

(ii) REPLICATION OF WAIVER OR AMENDMENT.—In designing a Medicaid Flexibility Program, a State may mirror provisions of a waiver or State plan amendment described in clause (i) in the program to the extent that such provisions are otherwise consistent with the requirements of this section.

(iii) EFFECT OF TERMINATION.—In the case of a State conducting a Medicaid Flexibility Program that terminates its program under subsection (d)(3) of such section, any waiver or amendment which was limited pursuant to subparagraph (A) shall cease to be so limited as of the effective date of such termination.

(iv) NONAPPLICATION OF PROVISIONS.—With respect to the design and implementation of Medicaid Flexibility Programs conducted under this section, paragraphs (1), (10)(B), (17), and (23) of section 1902(a), as well as any other provision of such section (except for this section and as otherwise provided by this section) that the Secretary deems appropriate, shall not apply.

(e) Definitions.—For purposes of this section:

(1) APPLICABLE PROGRAM ENROLLEE CATEGORY.—The term ‘applicable program enrollee category’ means, with respect to a State Medicaid Flexibility Program for a program period, any of the following as specified in paragraph (2) for such program period:

(A) 2 ENROLLEE CATEGORIES.—Both of the 1903A enrollee categories described in subparagraphs (D) and (E) of section 1903(e)(2).

(B) 3 ENROLLEE CATEGORIES.—The 1903A enrollee category described in subparagraph (D) of section 1903(a)(2).

(C) NONELDERLY, NONDISABLED, NONEXPANDED FAMILY SIZE.—The term ‘applicable program enrollee category’ means, with respect to such section and title XXI with respect to the quality measures submitted under paragraph (3) by

SEC. 128. MEDICAID AND CHIP QUALITY PERFORMANCE BONUS PAYMENTS.

Section 1905 of the Social Security Act (42 U.S.C. 1396b), as previously amended, is further amended to read as follows:

SEC. 128. MEDICAID AND CHIP QUALITY PERFORMANCE BONUS PAYMENTS.

(A) INCREASED FEDERAL SHARE.—With respect to each of fiscal years 2023 through 2026, in the case of one of the 50 States or the District of Columbia (each referred to in this subsection as a ‘State’), such that

(i)quals or exceeds the qualifying amount (as established by the Secretary) of lower than expected aggregate medical assistance expenditures (as defined in paragraph (4)) for that fiscal year; and

(ii) the Secretary, in accord ance with such manner and format as specified by the Secretary and for the performance period (as defined by the Secretary) for such fiscal year.

(iii) information on the applicable quality measures identified under paragraph (3) with respect to each category of Medicaid eligible individuals under the State plan or a waiver of such plan; and

(ii) a plan for spending a portion of additional funds resulting from application of this subsection on quality improvement within the State plan under this title or a waiver of such plan, the Federal matching percentage otherwise applied under subsection (a)(7) for such fiscal year shall be increased by such percentage (as determined by the Secretary) so that the aggregate amount of the resulting increase pursuant to this subsection for the State and fiscal year does not exceed the State allotment established under paragraph (2) for the State and fiscal year; and

(2) ALLOTMENT DETERMINATION.—The Secretary shall establish a formula for computing State allotments under this paragraph (2), taking into consideration the fiscal years described in paragraph (1) that—

(A) such an allotment to a State is determined based on the performance, including improvement, of such State under this title and title XXI with respect to the quality measures submitted under paragraph (3) by
such State for the performance period (as defined by the Secretary) for such fiscal year; and

(b) the total of the allotments under this paragraph for all States for the period of the fiscal years described in paragraph (1) is equal to $8,000,000,000.

(3) QUALITY MEASURES REQUIRED FOR CERTIFIED PLAN SPONSORS.—For purposes of this subsection, the Secretary shall, pursuant to rulemaking and after consultation with State agencies administering State plans under this title from non-Federal funds for inpatient services in an institution described in paragraph (3)(A), and for active psychiatric care and services for inpatient care under this title from non-Federal funds for inpatient services that is not less than the level of such funding for such services and care as of the date of the enactment of this paragraph or, if higher, as of the date the State applies to the Secretary to include medical assistance under such subsection.

(4) LOWER THAN EXPECTED AGGREGATE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, lower than expected aggregate medical assistance expenditures’ means, with respect to a State the amount (if any) by which—

(A) the amount of the adjusted total medical assistance expenditures for the State and fiscal year determined in section 1905A(b)(1) without regard to the 1903A enrollee category described in section 1903A(e)(2)(E); and

(B) the amount of the target total medical assistance expenditures for the State and fiscal year determined in section 1903A(c) without regard to the 1903A enrollee category described in section 1903A(e)(2)(E), is less than

SEC. 129. OPTIONAL ASSISTANCE FOR CERTAIN INPATIENT PSYCHIATRIC SERVICES.

(a) STATE OPTION.—Section 1905 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)—

(A) in paragraph (16)—

(i) by striking “(and, “(B)” and inserting “(B)”); and

(ii) by inserting before the semicolon at the end the following: “, and (C) subject to subsection (h)(4), qualified inpatient psychiatric hospital services’ means a manner and form which shall be prescribed by interim final rule a procedure under which the Secretary—

(A) will certify a qualified sponsor of a small business health plan for the part or part thereof which are prescribed by the applicable authority by regulation, at least the following information:

(1) Identifying information.

(2) States in which the plan intends to do business.

(C) Bonding requirements.

(D) Plan documents.

(2) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—

(3) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—

(1) IN GENERAL.—For purposes of this part, a small business health plan shall be effective unless written notice of such certification is filed by the plan sponsor with the applicable State authority of each State in which the small business health plan operates.

(2) EXPIRED AND DEEMED CERTIFICATION.— 
SEC. 803. PARTICIPATION AND COVERAGE REQUIREMENTS.

(a) Covered Employers and Individuals.—The requirements of this subsection are met with respect to a small business health plan if—

(1) each participating employer must be—

(A) a member of the sponsor;

(B) the sponsor; or

(C) an affiliated member of the sponsor, except that an affiliated member who is a member or employee of a participating employer which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, employees of one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

(2) all individuals commencing coverage under the plan after certification under this part may—

(A) active or retired owners (including self-employed individuals with or without employees), officers, directors, or employees of, or partners in, participating employers; or

(B) the dependents of individuals described in subparagraph (A).

(b) Participating Employers.—In applying requirements relating to coverage renewal, a participating employer shall not be deemed to be a plan sponsor.

(c) Discrimination Against Employers and Employees Eligible to Participate.—The requirements of this subsection are met with respect to a small business health plan if—

(1) under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for an individual under the plan if—

(I) the plan covers an employee or former employee of such employer and such employee or former employee was covered under such plan in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the plan year's first day; and

(II) the plan covers the employee or former employee of such employer and such employee or former employee of such employer was covered under such plan in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the plan year's first day;

(2) all individuals commencing coverage under the plan after certification under this part may—

(A) a member of the sponsor;

(B) an affiliated member, except that, in the case of a sponsor which is a section 7705 organization, an affiliated member includes the officers, directors, or employees of a franchisee employer for any purpose.

(3) Health Plan Terms.—The terms ‘group health plan’, ‘health insurance coverage’, and ‘health insurance issuer’ have the meanings given such terms in section 733.

(4) Individual Market.—

(A) In general.—The term ‘individual market’ means the market for health insurance coverage offered to individuals other than the enrollment with a group health plan.

(B) Treatment of very small groups.—

(1) In general.—Subject to clause (ii), such individual market shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage such individual market in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

(5) Individual Market.—

(A) In general.—The term ‘individual market’ means the market for health insurance coverage offered to individuals other than the enrollment with a group health plan.

(B) Treatment of very small groups.—

(1) In general.—Subject to clause (ii), such individual market shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage such individual market in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

(6) Participating Employer.—The term ‘participating employer’ means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer with or without employees (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the enrollment with a group health plan, a participating employer, partner, or self-employed individual in relation to the plan.

(7) Section 7705 Organization.—

The term ‘section 7705 organization’ means an organization providing services for a customer pursuant to a contract meeting the conditions of subparagraphs (A), (B), (C), (D), and (E) (but not (F)) of section 7705(e)(2) of the Internal Revenue Code of 1986, including an entity that is part of a section 7705 organization control group. For purposes of this part, any excluded persons include a customer of a section 7705 organization except with respect to references to a ‘member’ or ‘members’ in paragraph (1).

(c) Preemption Rules.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following:

(1) The provisions of this title shall supercede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from providing health insurance coverage in connection with a small business health plan which is certified under part 8.

(2) Plan Sponsoring.—Section 316(b) of such Act (29 U.S.C. 1021(6)(B)) is amended by adding at the end the following:

‘(A) through (B)’.

(2) Plan Sponsor.—Section 316(b) of such Act (29 U.S.C. 1021(6)(B)) is amended by adding at the end the following new sentence: ‘(B) the plan sponsor must include a person serving as the sponsor of a small business health plan under part 8.’.

(e) Savings Clause.—Section 733(e) of such Act is amended by inserting ‘or part 8’ after ‘this part’.

(f) Effective Date.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this section within 6 months after the date of the enactment of this Act.

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300gg-1) is amended—

(1) in paragraph (3), by striking ‘each of fiscal years 2018 and 2019’ and inserting ‘fiscal year 2018’; and

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended—

(1) in subparagraph (A), by striking ‘in the case of a sponsor that is deemed certified under paragraph (1) of section 363.2(a) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this Act)’ and inserting ‘in the case of a sponsor that is deemed certified under paragraph (1) of section 363.2(a) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this Act)’;

(2) in subparagraph (B), by striking ‘$222,000,000 for fiscal year 2017’ after ‘2016’.

SEC. 203. CHANGE IN PERMISSIBLE AGE VARIATION IN HEALTH INSURANCE PREMIUM RATES.

Section 2701(a)(1)(A)(i) of the Public Health Service Act (42 U.S.C. 300gg(1)(A)(i)) is amended by inserting ‘(consistent with section 2707(c))’ after ‘(consistent with section 2707(c))’ the following:

‘(for, or plan years beginning on or after January 1, 2019, 5 to 1 for adults (consistent with section 2707(c) or such other ratio for adults (consistent with section 2707(c).)

SEC. 204. WAIVERS FOR STATE INNOVATION.

(a) In General.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18092) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(1) by amending clause (i) to read as follows—

‘(i) a description of how the State plan meeting the requirements of a waiver under this section would—

(II) in clause (ii), by striking ‘that is budget- neutral for the Federal Government’ and inserting ‘, demonstrating that the State plan does not increase the Federal deficit’;

and

(2) in subparagraph (C), by striking ‘the law’ and inserting ‘a law or has in effect a certification’;

(2) in paragraph (3)—

(i) in the first sentence, by inserting ‘or would qualify for a reduction in’ after ‘would not qualify for’;

(ii) by adding after the second sentence the following: ‘A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence’;

and

(3) in the paragraph heading, by striking ‘PASS THROUGH OF FUNDING’ and inserting ‘FUNDING’;

(iv) by striking ‘With respect’ and inserting the following:

‘(A) Pass through of Funding.—With respect’;

and
SA 587. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2019.

SEC. 207. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (relating to any prior obligations for such payments) for the period beginning on the date of enactment of this Act and ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through the end of such plan years.

SEC. 208. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—Section 1402 of the Patient Protection and Affordable Care Act is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to cost-sharing reductions (and payments to issuers for such reductions) for plan years beginning after December 31, 2019.

SA 588. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 345. NATURAL GAS PRODUCTION, TREATMENT, MANAGEMENT, AND USE, AT THE FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Chapter 499 of title 10, United States Code, is amended by adding at the end of the following new section:

(v) by adding at the end the following:

"(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of money in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2017, to remain available until the end of fiscal year 2018, to provide grants to States for the purpose of submitting an application for a waiver granted under this section and implementing the State plan under such waiver.

(C) AUTHORITY TO USE MARKET-BASED HEALTH CARE GRANT ALLOTMENT.—If the State has an application for an allotment under section 2105(n) of the Social Security Act for the plan year, the State may use the funds available under the State's allotment for the plan year to carry out the State plan under section 1332, to the same extent as such use is consistent with the requirements of paragraphs (1) and (7) of section 2105(s) of such Act (other than paragraph (1)(B) of such section). Any funds used to carry out a State plan under this subparagraph shall not be considered in determining whether the State plan increases the Federal deficit.

and

Pursuant to paragraph (4), by adding at the end the following:

"(D) EXPEDITED PROCESS.—The Secretary shall establish an expedited application and approval process that may be used if the Secretary determines that such expedited process is necessary to respond to an urgent or emergency situation with respect to health insurance for catastrophic illness, within a State.

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(1) by striking "may" and inserting "shall"; and

(ii) by striking "only if" and inserting "unless"; and

and

(iii) by striking "—and all that follows the period at the end of subparagraph (D) and inserting "—application is missing a required element under subsection (a)(1) or that the State plan will increase the Federal deficit, not taking into account any amounts received through a grant under subsection (a)(3)(B);"

(B) in paragraph (2)—

(1) in the subparagraph heading, by inserting "OR CERTIFY" after "LAW"; and

(2) in subparagraph (A), by inserting, with respect to the period beginning on or after the date of enactment of this Act, the following:

"shall"; and

(C) in paragraph (3), by striking "(II) by striking "may repeal a law" and all that follows the period at the end of subparagraph (D) and inserting "may terminate the authority provided under the waiver with respect to the State by—"

"(i) repealing a law described in subparagraph (A); or

(ii) terminating a certification described in subparagraph (A), through a certification for such termination signed by the Governor, and the State insurance commissioner, of the State.;"

and

(3) in subsection (d)(2)(B), by striking "may repeal a law" and all that follows through the period at the end of subparagraph (D) and inserting the following:

"may terminate the authority provided under the waiver with respect to the State by—"

and

(4) in subsection (d)(2)(B), by striking "—and the reasons therefore" and inserting "and the reasons therefore, and provide the data on which such determination was made;" and

and

(5) in subsection (d)(2)(C)(i), by striking "a waiver" and inserting "a waiver pursuant to section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall not affect the authority of the Secretary to impose penalties under section 1326 as in effect on the day before the date of enactment of this Act and shall apply to the waiver and State plan.

In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to apply on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, such section 1332, as in effect on the day before the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to apply on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

SEC. 205. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM CATASTROPHIC PLAN.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

"(3) may not be cancelled by the Secretary after the expiration of the 8-year period (including any renewal period under paragraph (2));"

(b) APPLICABILITY.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall apply as follows:

(1) In the case of a State that submits an application for a waiver under such section prior to such date, the State may elect to apply on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

(3) In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to apply on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

SEC. 206. APPLICATION OF ENFORCEMENT PENALTIES.

(a) IN GENERAL.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg-22) is amended—

(1) in paragraph (1), by inserting "and including, with respect to plan years beginning on or after January 1, 2019, enrollees in catastrophic plans described in section 1320(e) after "Exchange"; and

(2) in paragraph (2), by inserting "and including, with respect to plan years beginning on or after January 1, 2019, enrollees in catastrophic plans described in section 1320(e)" after "Exchange".

SEC. 207. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise obligated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (relating to any prior obligations for such payments) for the period beginning on the date of enactment of this Act and ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through the end of such plan years.

SEC. 208. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—Section 1402 of the Patient Protection and Affordable Care Act is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to cost-sharing reductions (and payments to issuers for such reductions) for plan years beginning after December 31, 2019.

SEC. 209. APPLICATION OF ENFORCEMENT PENALTIES.
"§ 4782. Natural gas production, treatment, management, and use, Fort Knox, Kentucky"

“(a) AUTHORITY.—The Secretary of the Army (referred to in this section as the ‘Secretary’) may, by contract or otherwise, for the production, treatment, management, and use of natural gas located under Fort Knox, Kentucky, without regard to section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352).”

“(b) LIMITATION ON USES.—Any natural gas produced pursuant to subsection (a) —

“(1) may only be used to support activities and operations at Fort Knox; and

“(2) may not be sold for use elsewhere.

“(c) OWNERSHIP OF FACILITIES.—The Secretary may take ownership of any gas production equipment and facilities and associated infrastructure from a contractor in accordance with the terms of a contract or other agreement entered into pursuant to subsection (a).

“(d) NO APPLICATION ELSEWHERE.—

“(1) IN GENERAL.—The authority provided by this section applies only with respect to Fort Knox.

“(2) EFFECT OF SECTION.—Nothing in this section authorizes the production, treatment, management, or use of natural gas resources underlying any Department of Defense installation other than Fort Knox.

“(e) APPLICABILITY.—The authority of the Secretary under this section is effective beginning on August 2, 2007.

SA 589. Mr. JOHNSON (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was agreed to by the Senate by Yea-and-Nay vote of 88 to 0, July 27, 2017.

At the end of subtitle G of title X, add the following:

SEC. 1088. OFFICE OF SPECIAL COUNSEL REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ‘Office of Special Counsel Reauthorization Act of 2017’.

(b) ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.—Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subsection, is authorized to —

“(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

“(I) section 1213, 1214, 1215, or 1216 of this title; or

“(II) section 4324(a) of title 38;

“(ii) request from any agency the information or assistance from any other Federal agency that is necessary to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

“(iii) initiate an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

“(I) section 1213, 1214, 1215, or 1216 of this title; or

“(II) section 4324(a) of title 38.

“(B) The authorization of the Special Counsel under paragraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

“(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

“(iii) The Attorney General or an Inspector General with respect to the Special Counsel may withhold from the Special Counsel material described in subparagraph (A) if —

“(I) the Attorney General or the Inspector General discloses the material to another entity in accordance with paragraph (2); or

“(II) the Attorney General or the Inspector General determines that the material contains information derived from or pertaining to, intelligence activities.

“(2) The Special Counsel and the Inspector General of the agency, or the Secretary, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

“(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

“(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

“(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).

“(6) A head of a subagency, and a head of a department of which the head of any subagency, is appointed to a position as an employee of which is covered under section 1212(b), of title 5, United States Code, without regard to whether any other provision of that title is applicable to the employee; and

“(B) the term ‘whistleblower protections’ means the protections against and remedies for a prohibited personnel practice described in paragraph (6) of section 1212(b) of title 5, United States Code, as amended by paragraph (1).

(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency, if the case of an agency that does not have an Inspector General, the senior ethics official of that agency, shall provide the training described in subparagraph (C).

(C) TRAINING DESCRIBED.—The training described in this subparagraph shall —

“(i) cover the manner in which the agency shall respond to a complaint alleging a violation of whistleblower protections that are available to employees of the agency; and

“(ii) be provided —

“(I) to each employee of the agency who —

“(aa) is appointed to a supervisory position in the agency; and

“(bb) has been awarded a whistleblower protection award or been granted a settlement agreement between the agency and the employee of the agency; and

“(cc) is appointed to a position as an employee of the agency; and

“(dd) is appointed to a position as an employee of a subagency; and

“(II) to each employee of the agency; and

“(III) to each employee of the subagency; and

“(IV) to each employee of the department of which the head of any subagency is appointed to a position as an employee; and

“(V) to each employee of the department of which the head of the department is appointed to a position as an employee.

“(B) Compliance with training requirements.—An employee of an agency or subagency who is subjected to a complaint alleging a violation of whistleblower protections that are available to employees of the agency shall, on the date the employee is subjected to the complaint, complete the training described in paragraph (4) of section 1212(b) of title 5, United States Code, as amended by paragraph (1).
(ii) by striking paragraph (2) and inserting the following:

"(2) Upon receipt of any report that the head of an agency is required to submit to the Special Counsel, the head of the agency shall review the report and determine whether:

(A) the findings of the head of the agency appear reasonable; and

(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of the agency collectively contain the information required under subsection (d)."

(iii) in paragraph (9), by striking "report received pursuant to subsection (c) of this section" and inserting "report submitted to the Special Counsel by the head of an agency as required by paragraphs (c) or (5) of this subsection"; and

(iv) by adding at the end the following:

"(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of the agency is sufficiently detailed and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report:

(A) containing the additional information or documentation identified by the Special Counsel; and

(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel."

2. TRANSFER REQUESTS DURING STATUSES.—

(A) PROROGATION.—Section 121H(b)(1) of title 5, United States Code, is amended by adding at the end the following:

"(B) if the Board grants a stay under subparagraph (A) of section 2302(b) of title 5, United States Code, the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.."

(B) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

"(k) If the Board grants a stay under subsection (c) or paragraph (5) of section 2302(b) of title 5, United States Code, the agency shall review the report and determine whether any other provision of that title 5, United States Code, is applicable to the entity; and

(l) the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, shall conclude that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of the agency is sufficiently detailed and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report:

(A) containing the additional information or documentation identified by the Special Counsel; and

(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel."

3. RETALIATORY INVESTIGATIONS.—

Section 2121F of title 5, United States Code, is amended by adding at the end the following:

"(2) Upon receipt of any report that the head of an agency is required to submit to the Special Counsel, the head of the agency shall review the report and determine whether:

(A) the findings of the head of the agency appear reasonable; and

(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of the agency collectively contain the information required under subsection (d)."

(i) in clause (i), by striking "report received pursuant to subsection (c) of this section" and inserting "report submitted to the Special Counsel by the head of an agency as required by paragraphs (c) or (5) of this subsection"; and

(ii) After a disclosure described in clause (i), a personnel action was taken with respect to the employee who made the disclosure.

3. OFFICE OF SPECIAL COUNSEL REVIEW.—

Upon receiving a referral under paragraph (2)(A), the Special Counsel shall—

(A) examine whether a personnel action was taken with respect to an employee because of a disclosure described in paragraph (2)(A); and

(B) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

4. PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.—

(A) ESTABLISHMENT OF SYSTEM.—Section 4902 of title 5, United States Code, is amended—

(i) by redesigning subsections (b) and (c) as subsections (c) and (d), respectively; and

(ii) by inserting after subsection (a) the following:

"(b) A head of an agency shall take reasonable and sufficient action to protect whistleblowers who make disclosures described in subsection (a) as part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (3) of section 2302 of title 5, United States Code.

(c) In instances in which the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice, and if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

5. CRITERIA.—

(A) the term ‘agency’ means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, with regard to whether any other provision of that title 5, United States Code, is applicable to the entity; and

(B) the term ‘personnel action’ has the meaning given the term in section 2302(a)(2)(A) of title 5, United States Code.

6. REFERENCES.—

(A) IN GENERAL.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency referred to in section 2302(b)(9) of title 5, United States Code, to whether any other provision of that title 5, United States Code, is applicable to the entity; and

(B) the term ‘personnel action’ has the meaning given the term in section 2302(a)(1); and

(C) the term ‘supervisory employee’ means an employee who would be a supervisor if defined in subsection (a) of section 2302(b), but for the fact that the agency employing the employee was an agency for purposes of chapter 71; and
"(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8)."

(2) CRITERIA FOR PERFORMANCE APPRAISAL.—Section 7503(b) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) protecting whistleblowers, as described in paragraph (2)."

(3) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(A) OMISSIONS.—In this paragraph, the terms "agency" and "whistleblower" have the meanings given in the terms in section 7502(b)(5) of title 5, United States Code, as amended by paragraph (1).

(B) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(i) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 7322(b)(5) of title 5, United States Code, as amended by paragraph (1);

(ii) the reasons for the determinations described in clause (i); and

(iii) each performance-based or corrective action taken by the agency in response to a determination of clause (i).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking "For the purpose of" and inserting "Except as otherwise expressly provided, for the purpose of".

(5) DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.—

(1) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

"§ 7515. Discipline of supervisors based on retaliation against whistleblowers

"(a) DEFINITIONS.—In this section—

"(I) the term 'agency'—

"(aa) has the meaning given in the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

"(bb) includes any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003); and

"(II) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) against an employee of an agency; and

"(III) the term 'supervisor' means an employee who would be a supervisor, as defined in section 7113(a), if the entity employing the employee were an agency.

"(b) PROPOSED DISCIPLINARY ACTIONS.—

"(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrator of the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor is employed determined that for protecting a whistleblower committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures described in paragraph (2)—

"(A) for the first prohibited personnel action committed by the supervisor—

"(i) shall propose suspending the supervisor for a period that is not less than 3 days; and

"(ii) may propose an additional action determined to be taken in another agency, including a reduction in grade or pay; and

"(B) for the second prohibited personnel action committed by the supervisor, shall propose removing the supervisor.

(2) PROCEDURES.—

(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice that—

"(i) states the specific reasons for the proposed action; and

"(ii) informs the supervisor about the right of the supervisor to review the material that constitutes the factual support on which the proposed action is based.

"(B) ANSWER AND EVIDENCE.—

"(1) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after the date on which the supervisor receives the notice, submit an answer and furnish evidence in support of that answer.

"(2) NO EVIDENCE FURNISHED, INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1), as applicable.

"(C) SCOPE OF PROCEDURES.—An action carried out under this section—

"(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543;

"(ii) shall not be subject to—

"(I) paragraphs (1) and (2) of section 7503(b);

"(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

"(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

"(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:

"7515. Discipline of supervisors based on retaliation against whistleblowers.

(h) TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

"(6)(A) Notwithstanding any other provision of this section, the Special Counsel may terminate an investigation of the allegation without further inquiry if the Special Counsel determines that—

"(i) the same allegation, based on the same set of facts and circumstances, had previously been—

"(I) investigated by the Special Counsel; and

"(II) reported to the Merit Systems Protection Board;

"(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

"(iii) the individual knew or should have known of the alleged prohibited personnel action or before the date that is 3 years before the date on which the Special Counsel received the allegation.

"(B) Not later than 30 days after the date on which the Special Counsel determines to investigate an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel action that states that the basis of the Special Counsel for terminating the investigation.

(i) ALLEGATIONS OF WRONGDOING WITHIN THE OFFICE OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(D) The Special Counsel shall enter into at least 1 agreement with the Inspector General of an agency under which—

"(1) the Inspector General shall—

"(A) not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

"(B) may reimburse the Inspector General for services provided under the agreement.

"(2) The Special Counsel—

"(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

"(B) may reimburse the Inspector General for services provided under the agreement.

(1) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

"§ 1218. Annual report

"(1) The Special Counsel shall submit to Congress, on an annual basis, a report regarding the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

"(1) the number, types, and disposition of allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

"(2) the number and types of actions taken by the agencies as a result of investigations conducted by the Special Counsel;

"(3) the number of stays and disciplinary actions conducted by agencies with the Special Counsel;

"(4) the number of subpoenas issued by the Special Counsel;

"(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation; and

"(6) the actions that resulted from reopening investigations, as described in paragraph (5);

"(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(ii) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

"(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

"(9) the number of actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints filed; and

"(B) stays and extensions of stays obtained from the Merit Systems Protection Board.
(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by agency.

(A) complaints dealing with reprisals against whistleblowers; and

(B) all other complaints; and

(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components.

(A) complaints dealing with reprisals against whistleblowers; and

(B) all other complaints; and

(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.

(2) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with

(A) a copy of the information transmitted to the head of the agency under section 1213(c);

(B) a report from the agency under section 1213(c)(1)(B) relating to the matter; and

(C) if appropriate, not otherwise prohibited by law, and consented to by the complainant, any comments from the complainant under section 1213(e)(1); and

(2) in paragraph (2)(E), by striking ''by 120'' and inserting ''40'' hours.

(c) E FFECTIVE DATE.—The amendments made by this section shall take effect as soon as possible after the date of enactment of this Act.

SEC. 752. MR. DURBIN (for himself, Mr. BLUNT, Mr. CASEY, Mr. COCHRAH, Ms. BALDWIN, Mr. SHELBY, Mr. BROWN, Ms. MURKOWSKI, Mr. CARDIN, Mr. MORAN, Mr. COONS, Ms. DUCKWORTH, Ms. HASSAN, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKET, Mr. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Ms. SHARER, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Ms. HIRONO, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 753. TREATMENT OF CERTAIN PROVISIONS RELATING TO MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 733, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) CONGRESSIONAL SPECIAL INTEREST MEDICAL RESEARCH PROGRAMS.—Sections 891, 892, and 893, relating to limitations on the authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

SA 590. Ms. COLLINS submitted an amendment intended to be proposed by amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 737. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting “on debt incurred before service” after “LIMITATION TO 6 PERCENT’’;

2) by redesigning paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

3) by inserting after paragraph (1) the following new paragraph (2):

(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per
year that is incurred by a servicemember, or the servicemember and the servicemember’s spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.

(4) In paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)” and in paragraph (4), as so redesignated, by striking “paragraph (2)” and inserting “paragraph (3)”.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) IN GENERAL.—By striking “the interest rate limitation in subsection (a)” and inserting “an interest rate limitation in paragraph (1) or (2) of subsection (a)”;

(2) so redesignated by paragraph (2) of this subsection, by inserting “or (2)” after “paragraph (1)”;

and (B) by inserting before the period at the end the following: “in the case of an obligation or liability concerned under subsection (a)”, or as of the date the servicemember (or servicemember’s spouse) incurred such obligation or liability concerned under subsection (a)’.”;

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) STUDENT LOAN.—The term ‘student loan’ means the following:


“(B) a private student loan as that term is defined in section 146.06 of the Truth in Lending Act (15 U.S.C. 1609a)).”.

SA 594. Ms. KLOBUCAR (for herself, Mr. TILLIS, Ms. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WHITEHOUSE, Mr. NELSON, Ms. BALDWIN, Mr. ROUNDS, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures

“(a) Establishment.—(1) The Secretary shall establish a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

“(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

“(A) the directives and policies of the Department of Defense in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018;

“(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and


“(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

“(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

“(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces of the United States in Operation Iraqi Freedom and Operation Enduring Freedom;

“(3) have access to animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom;

“(4) have expertise in allergy, immunology, and pulmonary diseases;

“(5) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

“(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

“(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

“(2) To provide guidance for the health systems of the Department and the Department of Energy on personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

“(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Energy in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

“(4) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

“(5) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and technologies.

“(6) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

“(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center shall have access to and make use of the data accumulated by the burn pits registry established under section 7327 of title 38, United States Code, for the purposes of understanding the etiology of such conditions and developing preventive interventions and technologies.

“(f) FUNDING.—(1) There is authorized to be appropriated—

“(A) $4,100,000 for each of the fiscal years beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

“(2) The Secretary may award additional amounts on a competitive basis to the center of excellence from the medical and prosthetics research account of the Department for the purpose of conducting research under this section relating to clinical and scientific investigation.

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38 is amended by inserting after the item relating to section 7330B the following new item:

“7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.”.

SA 595. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 102. LONGITUDINAL MEDICAL STUDY ON BLAST PRESSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall conduct a longitudinal medical study on blast pressure exposure of members of the Armed Forces during combat and training, including members who train with high overpressure weapons, such as anti-tank recoilless rifles and heavy-caliber sniper rifles.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) monitor, record, and analyze data on blast pressure exposure for any member of the Armed Forces who is likely to be exposed to blast pressure in training or combat;

(2) assess the feasibility and advisability of including blast exposure history as part of the service record of a member, as a blast exposure log, in order to address medical issues that may arise later, the member receives care for any service-connected injuries; and
(3) review the safety precautions surrounding heavy weapons training to account for emerging research on blast exposure and the effects on such exposure on cognitive performance of members of the Armed Forces.

(c) Report. —The Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

SA 596. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title J of title VIII, add the following:

SEC. 890d. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) Elements.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civiljudgments or settle-
ments over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed con-
tracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of De-
partment of Defense contracts entered into during the previous fiscal year for which contractors have been indicted for, set-
tied charges of, or been convicted of fraud in connection with any contract or other transaction entered into with the Fed-
eral Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense of-

SA 597. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Outsourcing Prevention

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the "Defend-
ing American Jobs Act".

SEC. 1092. WORKFORCE DISCLOSURE REQUIRE-
MENTS FOR DEFENSE CONTRACTS.

(a) Information Required.—The Secretary of Defense shall require each contractor that enters into a contract with the Department of Defense for the procurement of property or services to provide to the Department, on an annual basis for the duration of the contract, the following information:

(1) The number of individuals employed by the contractor in the United States.

(2) The number of individuals employed by the contractor outside the United States.

(3) A description of the wages and em-
ployee benefits being provided to the em-
ployees of the contractor in the United States.

(4) A description of the wages and em-
ployee benefits being provided to the em-
ployees of the contractor outside the United States.

(b) Certification Regarding Layoffs.— Beginning on the date that is one year after the date of enactment of this Act, and annually thereafter for the duration of the contract, the contractor shall provide, in addition to the in-
formation required under subsection (a), a written certification that contains the following information:

(1) The percentage of the workforce of the contractor employed in the United States that has been laid off or induced to resign from the contractor during the 12-month pe-
riod preceding the submission of the certifi-
cation.

(2) The percentage of the total workforce of the contractor that has been laid off or in-
duced to resign from the contractor during the 12-month period preceding the submis-
sion of the certification.

(c) Prohibition on Awarding Contracts to Defense Contractors. —The lay off or greater percentage of workers in the United States than in other countries.—

Notwithstanding any other provision of law, the Department of Defense shall require each contractor that entered into a contract with the Department of Defense by a contractor under subsection (b), the percentage de-
scribed in paragraph (1) of such subsection is greater than the percentage described in paragraph (2) of such subsection, the con-
tractor shall be ineligible for further con-
tracts with the Department of Defense until the contractor provides to the Department a written certification that the number of em-
ployees of the contractor in the United States is in the same proportion as, or has increased in proportion to, the number of employees of the contractor worldwide as of the later of—

(1) the date the contractor last made a cer-
ification under subsection (b) concerning the contract that did not cause the con-
tactor to become ineligible under this sub-
section for a Department of Defense con-
tact; or

(2) the date on which the contractor en-
tered into the contract for which the certifi-
cation is being made.

SA 598. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title E of title X, add the following:

SEC. 1153. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) Findings.—Congress makes the follow-

(1) The Military Value Analysis model of the Army has been a key determinant for the force structure and strategic basing decisions of the Army in recent years.

(2) The Committee on Armed Services of the Senate and the House of Representatives have determined that a lack of transparency regarding process, metrics, and scoring on the Army’s Integrated Value Analysis model has made proper oversight of the Army by Congress far more difficult.
(c) Report on Updated Model.—

(1) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an update of the Military Value Analysis model of the Army.

(2) Review.—The Secretary shall update the Military Value Analysis model for purposes of the report required by paragraph (1) following a review undertaken by the Secretary for purposes of the update. The review and update shall adequately and appropriately incorporate the following:

(A) Qualitative and quantitative criteria and sub-criteria to be used for force structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, maneuvering forces.

(B) Deployment criteria using a measure of the time required to deploy a unit of action from its home installation to its deployment site, including the transportation of personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(d) Scoring Data for Force Structure and Major Basing Decisions.—After making a force structure or major basing decision for the Army, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the scoring data developed using the Military Value Analysis model of the Army with respect to each military installation considered for purposes of the decision.

SA 601. Mr. MORAN (for himself and Mr. Tester) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. DECLASSIFICATION BY DEPARTMENT OF DEFENSE OF CERTAIN INCIDENTS OF EXPOSURE OF MEMBERS OF THE ARMED FORCES TO TOXIC SUBSTANCES.

(a) In General.—The Secretary of Defense shall not declassify documents related to any known incident in which not fewer than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a member of the medical profession has determined to be associated with that toxic substance.

(b) Limitation on Declassification.—The declassification required by subsection (a) shall be limited to information necessary for an individual who was potentially exposed to a toxic substance to determine the following:

(1) Whether that individual was exposed to that toxic substance.

(2) The potential severity of the exposure of that toxic substance.

(3) Any potential health conditions that may have resulted from exposure to that toxic substance.

(c) Exception.—The Secretary of Defense is not required to declassify documents under subsection (a) if the Secretary determines that declassification of those documents would materially and immediately threaten the security of the United States.

(d) Definitions.—In this section:

(1) Armed Forces.—The term ‘‘Armed Forces’’ has the meaning given that term in section 101 of title 10, United States Code.

(2) Exposed.—The term ‘‘exposed’’ means, with respect to a toxic substance, that an individual came into contact with that toxic substance in a manner that could be hazardous to the health of that individual, that may include if that toxic substance was inhaled, ingested, or touched the skin or eyes.

(3) Exposure.—The term ‘‘exposure’’ means an event during which an individual was exposed to that toxic substance.

(4) Toxic Substance.—The term ‘‘toxic substance’’ means any substance determined by the Administrator of the Environmental Protection Agency to be harmful to the environment or hazardous to the health of an individual if inhaled or ingested or absorbed through the skin of that individual.

SA 602. Mr. MCCAIN (for himself, Mr. Flake, Ms. Murkowski, and Mr. Daines) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1099. TRANSFER OF NON-COMBAT MILITARY VEHICLES AND EQUIPMENT TO STATE AND LOCAL FIRE DEPARTMENTS UNDER FIREFIGHTER PROPERTY PROGRAM.

The Secretary of Defense shall take steps to facilitate the transfer of non-combat military vehicles and equipment to State and local fire departments under the Firefighter Property Program (FFP) program carried out pursuant to section 2576b of title 10, United States Code, including by preventing the Defense Logistics Agency from implementing guidance categorizing such equipment as high security items subject to Trade Security Controls and other enhanced security requirements.

SA 603. Mr. KING (for himself and Ms. Collins) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 122, strike subsection (b).

SA 604. Mr. KING submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1105. STUDY ON SCAVENGING WATER PURIFIERS THAT USE MIXED-OXIDANT ELECTROLYTIC DISINFECTANT GENERATOR TECHNOLOGY FOR SMALL AND MEDIUM SHIPS.

The Secretary of the Navy shall conduct a study on the feasibility of small water purifiers that use Mixed-Oxidant Electrolytic Disinfectant Generator (MEDG) technology for small and medium ships.

SA 605. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1106. PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.

(a) Prohibition.—Notwithstanding any other provision of law, the President may not use the Armed Forces of the United States to conduct a first-use nuclear strike unless such strike is conducted in response to a declaration of war by Congress that expressly authorizes such strike.

(b) First-Use Nuclear Strike Defined.—In this section, the term ‘‘first-use nuclear strike’’ means an attack using nuclear weapons against an enemy that is conducted without the President determining that the enemy has first launched a nuclear strike against the United States or an ally of the United States.

SA 606. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1107. PROHIBITION ON USE OF FUNDS FOR LONG-RANGE STANDOFF WEAPON OR W80 WARHEAD LIFE EXTENSION PROGRAM.

Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Department of Defense or the Department of Energy, or the Department of the Treasury, shall be used for the research, development, test, and evaluation or procurement of the long-range standoff weapon or for the W80 warhead life extension program.

SA 607. Mr. MARKEY (for himself, Mr. Gardner, and Mr. Cardin) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1262.
SA 608. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 310. ATOMIC VETERANS SERVICE MEDAL.
(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a military service medal, to be known as the “Atomic Veterans Service Medal”, to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).
(b) DISTRIBUTION OF MEDAL.—
(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the veteran.
(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who—
(A) has died; or
(B) has been determined by the Department of Veterans Affairs to be the next-of-kin of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the next-of-kin of the veteran.
(3) ISSUANCE TO NEXT-OF-KIN OF DECEASED VETERAN.—At the request of the next-of-kin of a radiation-exposed veteran who has died, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the next-of-kin of the veteran.

SA 609. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1001. SENSE OF CONGRESS ON THE UNITED STATES STRATEGY FOR AFGHANISTAN AND SOUTH ASIA.

It is the sense of Congress that—
(1) it is in the national security interest of the United States that Afghanistan never again serve as a sanctuary for international terrorists to conduct attacks against the United States, its allies, or its core interests;
(2) and (3), including financial resources, civilian personnel, military forces and capabilities, and authorities.

SA 610. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 911. AUTHORITY TO USE ENERGY SAVINGS INVESTMENT FUND FOR ENERGY MANAGEMENT INITIATIVES.

Section 2919(b)(2) of title 10, United States Code, is amended by striking ‘‘(7)’’ and inserting ‘‘(7)’’.

SA 611. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 912. REPORT ON USE OF AREAWIDE CONTRACTS FOR ENERGY RESILIENCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report identifying projects to increase energy resiliency on military installations that could be executed under an existing areawide contract (as defined in section 4101 of the Federal Acquisition Regulation). The report shall also identify recommendations to support installation commanders and contracting officers in contracting with utility service suppliers under areawide contracts.

SA 612. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 510. LEWIS WATSON LEADERSHIP SCHOLARSHIP PROGRAM.
(a) AUTHORITY.—The Secretary of the Army shall carry out a program to be known as the “Lewis Watson Leadership Scholarship Program” under which the Secretary of the Army may award scholarships to eligible individuals, including financial assistance, in accordance with this section, to a person—
(1) who is pursuing a recognized postsecondary credential at a minority-serving institution; and
(2) who enters into an agreement with the Secretary in subsection (b).

(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—
(1) IN GENERAL.—To receive financial assistance under this section—
(A) a member of the Army shall enter into an agreement to serve on active duty in the Army for the period of obligated service determined under paragraph (2); and
(B) a person who is not a member of the Army shall enter into an agreement to enlist or accept a commission in the Army for the period of obligated service determined under this section.

(2) PERIOD OF OBLIGATED SERVICE.—The period of obligated service for a recipient of financial assistance under this section shall be the amount determined by the Secretary, and that failure to maintain satisfactory academic progress, as determined by the Secretary of the Army, shall result in the loss of financial assistance for the period in which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty.

(3) TERMS OF AGREEMENT.—An agreement entered into under this section by a person receiving financial assistance under this section shall include the following terms:

(A) SERVICE START DATE.—The period of obligated service will begin on a date after the award of the credential, as determined by the Secretary of the Army.

(B) ACADEMIC PROGRESS.—The person will maintain satisfactory academic progress, as determined by the Secretary, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

(C) OTHER TERMS.—Any other terms and conditions that the Secretary determines to be appropriate for carrying out this section.

(4) COST OF ATTENDANCE.—The term "cost of attendance" has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 1074a).

(5) MINORITY-SERVING INSTITUTION.—The term "minority-serving institution" means an institution of higher education described in section 316(a) of the Higher Education Act of 1965 (20 U.S.C. 1064).

(6) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term "recognized postsecondary credential" has the meaning given the term in section 485 of the Bipartisan Innovation and Opportunity Act (29 U.S.C. 3102).

SA 613. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. __. DEPARTMENT OF DEFENSE CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense may carry out a pilot program to be known as the "Cyber Workforce Development Pilot Program" (in this section referred to as the "Pilot Program") under which the Secretary shall provide funds, in addition to other funds that may be available, for the recruitment, training, professionalization, and retention of personnel in the cyber workforce of the Department of Defense.

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, in both personnel and skills, needed to effectively perform its cyber missions and the kinetic missions impacted by cyber activities.

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(d) GUIDANCE.—The Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—
(A) changes in the types of skills needed in the cyber workforce;

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs;

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) describe the process under which entities may submit an application to receive funds under the Pilot Program;

(3) describe the evaluation criteria to be used for approving applications for funds under the Pilot Program in any fiscal year; and

(e) CONSIDERATIONS.—When selecting entities to provide training and education services under the Pilot Program, consideration shall be given to whether the entity providing such services is a Center of Academic Excellence in Information Assurance Education (as that term is defined in section 2200e of title 10, United States Code).

(f) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year for which funds are appropriated for the Pilot Program, the Secretary of Defense shall submit a report to the congressional defense committees a report on the operation of the Pilot Program during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A description of the expenditures made under the Pilot Program (including expenditures following a transfer of funds under the Pilot Program to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(2) A description of improvements of the cyber workforce resulting from such expenditures.

(3) Recommendations for additional authorities to fulfill the purpose of the Pilot Program.

(4) A statement of the funds that remain available under the Pilot Program at the end of such fiscal year.

(g) TERMINATION.—The Pilot Program and the annual reporting requirement under subsection (f) shall expire on the date that is five years after the date on which the first appropriated for the Pilot Program and any funds not obligated or expended under the Pilot Program on that date shall be deposited in the general fund of the Treasury of the United States.

(h) CYBER WORKFORCE DEFINED.—In this section, the term "cyber workforce" means the following:

(1) Personnel in positions that require the performance of cybersecurity or other cyber-related functions as so identified pursuant to the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 333 note).

(2) Military personnel or civilian employees of the Department of Defense who are not described in paragraph (1) but who—

(A) are assigned functions that contribute significantly to cyber operations; and

(B) are designated as temporary members of the cyber workforce by the Chief Information Officer of the Department of Defense, or by the head of a military department or Defense Agency, for the limited purpose of receiving training for the performance of cyber-related functions.

SA 614. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:
SEC. 81. REPORT ON PROGRESS IN CARRYING OUT ASSESSMENT OF MILITARY AND INTELLIGENCE NEXUS, AND BENEFITS OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

The Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Secretary and the Chairman of the Joint Chiefs of Staff in carrying out the assessment required by section 1629(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

SA 615. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year; and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 816. REPORT ON PLAN TO STABILIZE THE AREAS IN IRAQ AND SYRIA LIBERATED FROM THE ISLAMIC STATE OF THE LEVANT.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act the Secretary of State and Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that sets forth the plan of the United States to stabilize areas in Iraq and Syria that are liberated from the Islamic State of Iraq and the Levant (ISIL).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) For areas in Iraq described in subsection (a), the following:

(A) An assessment of security in such areas, and an identification of the forces that will provide post-conflict stabilization and security in the areas described in subsection (a).

(B) An assessment of the extent to which security forces to operate effectively in post-conflict stabilization efforts, as well as the performance of counterterrorism operations and stabilization operations independent of United States forces.

(2) D ISCRIMINATORY PRICING .—For the purposes of paragraph (1), a formula to determine reasonable pricing for the drug, biologic, or other health care technology involved shall be considered to result in discriminatory pricing if the contract for sale of the drug, biologic, or other health care technology places a limit on the per capita income of the United States.

SA 617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE — COMMUNITY HEALTH CENTERS

SEC. 01. SHORT TITLE.

This title may be cited as the ‘‘Community Health Center and Primary Care Workforce Expansion Act of 2017’’.

SEC. 02. COMMUNITY HEALTH CENTER PROGRAM.

(a) In General.—Section 1003(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)) is amended—

(1) in subparagraph (D), by striking ‘‘and’’ at the end;

(2) in subparagraph (E), by striking the period at the end; and

(b) Waiver.—No waiver shall take effect under subsection (a) before the public is given notice of the proposed waiver and provided a reasonable opportunity to comment on the proposed waiver. A decision to grant a waiver shall set out the Secretary’s finding that such a waiver is in the public interest.

SEC. 616. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 81. REASONABLE PRICE AGREEMENT.

(a) In General.—If any Federal agency or any non-profit entity undertakes Federally funded health care research and development and the agency or entity pays a fee for a drug, biologic, or other health care technology developed through such research, such agency or entity shall not make such conveyance or provide such patent until the entity (including a non-profit entity) that will receive such patent first agrees to a reasonable pricing agreement with the Secretary of Health and Human Services (referred to in this section as the ‘‘Secretary’’) or the Secretary makes a determination that the public interest is served by a waiver of the reasonable pricing agreement provided in accordance with subsection (c).

(b) Prohibition of discrimination.—(1) In General.—For the purposes of paragraph (a), any reasonable pricing formula that is utilized shall not result in discriminatory pricing for the drug, biologic, or other health care technology involved if the number of bidders involved in carrying out this subparagraph, the Secretary shall ensure that the Federal Government, with respect to the drug, biologic, or other health care technology involved, is charged an amount that is not more than the lowest amount charged to countries in the Organization for Economic Co-Operation and Development for the same drug, biologic, or technology, that have the largest gross domestic product with a per capita income that is not less than half the per capita income of the United States.

(2) Discriminatory pricing.—For the purposes of paragraph (1), a formula to determine reasonable pricing for the drug, biologic, or other health care technology involved shall be considered to result in discriminatory pricing if the contract for sale of the drug, biologic, or other health care technology places a limit on the per capita income of the United States.
(M) $10,590,000,000 for fiscal year 2025;
(N) $11,780,000,000 for fiscal year 2026;
(O) $12,500,000,000 for fiscal year 2027; and
(P) for fiscal year 2028, and each subse-
quent fiscal year for capital projects, $18,600,000,000, authorized to be appropriated, and
amounts otherwise appropriated under sec-
(a) I N GENERAL.—Section 340H(g) of the
Patent Protection and Affordable Care Act (42 U.S.C. 254b-2), there is authorized to be appropriated, and there is appropriated, for the community health centers program under section 330 of the Public Health Service Act (42 U.S.C. 254b) for capital projects, $18,600,000,000 for fiscal year 2017.
(b) CAPITAL PROJECTS.—In addition to amounts otherwise appropriated under section 1060(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(11)), there is authorized to be appropriated, and there is appropriated, for the community health centers program under section 330 of the Public Health Service Act (42 U.S.C. 254b) for capital projects, $18,600,000,000 for fiscal year 2017.
(c) LIMITATION.—Amounts otherwise appro-
riated for community health centers may
not be reduced as a result of the appropri-
ations made under this section.
(d) AVAILABILITY OF FUNDS.—Amounts appro-
riated under this section shall remain
available until expended.

SEC. 05. NURSE PRACTITIONER RESIDENCY TRAINING PROGRAMS.
(a) In General.—Section 1060(b)(2)(c) of the
Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)) is amended—

(b) LIMITATION.—Amounts otherwise appro-
riated under this section shall remain
available until expended.
(c) AVAILABILITY OF FUNDS.—Amounts ap-
propriated under this section shall remain available until expended.

SEC. 04. TEACHING HEALTH CENTERS.
(a) In General.—Section 340H(g) of the
Public Health Service Act (42 U.S.C. 254b(h)) is amended—

(b) LIMITATION.—Amounts otherwise appro-
riated for National Health Service Corps
residing in such areas during the previous
year, relative to the number of individuals
eligible under any of the following sections:

(c) AVAILABILITY OF FUNDS.—Amounts appro-
riated under this section shall remain
available until expended.

SEC. 03. NATIONAL HEALTH SERVICE CORPS.
(a) In General.—Section 1060(b)(2)(c) of the
Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)) is amended—

(b) LIMITATION.—Amounts otherwise appro-
riated under this section shall remain
available until expended.
(c) AVAILABILITY OF FUNDS.—Amounts appro-
riated under this section shall remain available until expended.

SEC. 02. CONDITIONS ON AWARD OF DRUG EX-
CLUSIVITY.
(a) Terminating Exclusivity.—Not-
withstanding any other provision of this Act,
any period of exclusivity described in sub-
paragraph (A) or subparagraph (B) of sub-
section (c)(1) shall terminate if the person to which such exclusivity was granted commits a viola-
tion described in subsection (c)(1) with re-
spect to such drug.

(b) Exclusions Affected.—The periods of exclusivity for a drug referred to in subparagraph (A) are those periods of exclusivity granted under any of the following sections:

SA 618. Mr. SANDERS submitted an
amendment intended to be proposed by
him to the H.R. 1628, to provide for
reconciliation and to title II of the con-
current resolution on the budget for fiscal year 2017, which was or-
dered to lie on the table; as follows:

At the appropriate place, insert the fol-
lowing:

SEC. 569D. CONDITIONS ON AWARD OF DRUG EX-
CLUSIVITY.
Subchapter E of chapter V of the Federal
Food, Drug, and Cosmetic Act (21 U.S.C.
360bh) is amended by adding at the
end of this section:

SEC. 569B. CONDITIONS ON AWARD OF DRUG EX-
CLUSIVITY.
(a) TERMINATION OF EXCLUSIVITY.—Not-
withstanding any other provision of this Act,
any period of exclusivity described in sub-
section (b) granted to a person on or after the date of enactment of this section with respect to a drug shall be terminated if the person to which such exclu-
sivity was granted or any person to which such exclusivity is assigned commits a viola-
tion described in subsection (c)(1) with re-
spect to such drug.

(b) EXCLUSIVITIES AFFORTED.—The periods of exclusivity for a drug referred to in subparagraph (A) are those periods of exclusivity granted under any of the following sections:

(b) LIMITATION.—Amounts otherwise appro-
riated under this section shall remain
available until expended.
(c) AVAILABILITY OF FUNDS.—Amounts appro-
riated under this section shall remain available until expended.

SEC. 550. NURSE PRACTITIONER RESIDENCY
TRAINING PROGRAMS.
(a) In General.—Section 1060(b)(2)(c) of the
Patient Protection and Affordable Care Act
is amended by striking subsection (i) and
inserting the following:

Mr. SANDERS submitted an
amendment intended to be proposed by
him to the bill H.R. 1628, to provide for

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reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1992-3. DENTAL CLINICS IN SCHOOLS.**

(a) The Secretary shall award grants to qualified entities for the purpose of funding the building, operation, or expansion of dental clinics in schools.

(b) Grants.—To receive a grant under this section, a qualified entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

‘‘(c) REQUIREMENTS.—An entity receiving a grant under this section shall—

‘‘(i) refer to the dental clinics in schools for purposes of public health programs of the State, including restorative services, to ensure that by referring patients to an available qualified entity, including fluoride application, prophylaxis, sealants, and basic restorative services,

‘‘(ii) cooperate with State and local health departments in the development of a coordinated system of care by referring patients to a qualified entity for oral health care,

‘‘(iii) maintain clinic hours that extend beyond school hours.

‘‘(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated such sums as may be necessary for fiscal years 2018 through 2021.

**SA 620. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the omnibus resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:**

Strike section 112 and insert the following:

**SEC. 112. REPEAL OF MEDICAID EXPANSION.**

(a) In General.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(i) in section 1902 (42 U.S.C. 1396a)—

(A) by inserting ‘‘the term ‘grandfathered expansion enrollee’ means an individual—

(B) who is under 65 years of age;

(C) who is not pregnant;

(D) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

(E) whose income (as defined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; and

(F) was enrolled under the State plan under this title (or a waiver of such plan) as of December 31, 2017.

‘‘(ii) the average monthly number of individuals enrolled in a State plan under title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(3) maintain clinic hours that extend beyond school hours.

‘‘(4) develop a coordinated system of care by referring patients to an available qualified entity for oral health care, including fluoride application, prophylaxis, sealants, and basic restorative services.

‘‘(5) (A) by inserting ‘‘and (ii)’’ after the period preceding subparagraph (A);

(B) by striking ‘‘and (ii)’’ after subparagraph (A);

(C) by inserting ‘‘and (ii)’’ after subparagraph (A); and

(D) by inserting ‘‘and (ii)’’ after subparagraph (A).

‘‘(6) DISREGARD OF INCREASE.—Any adjustment under this paragraph to target total medical assistance expenditures for a State and fiscal year shall be disregarded when determining the target total medical assistance expenditures for such State for a succeeding year under paragraph (1).’’

(b) Conforming Amendments.—Any reference in subsection (a)(10)(A)(i) of such section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VII) of subsection (a)(10) shall be deemed to include a reference to grandfathered expansion enrollees.

‘‘(i) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(i) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(ii) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(iii) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(iv) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(v) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(vi) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(vii) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(viii) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

‘‘(ix) the average monthly number of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B) for fiscal years 2017 through 2026, in determining the target per capita medical assistance expenditures (as defined in paragraph (2) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4));

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SA 623. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

SEC. 1455. AUTHORITY OF CHIEF OPERATING OFFICER OF THE ARMED FORCES RETIREMENT HOME TO ACQUIRE AND LEASE NONEXCESS PROPERTY.

(a) ACQUISITION OF PROPERTY.—Subsection (e) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in paragraph (2)—

(A) by striking ‘‘Secretary of Defense’’ and inserting ‘‘Chief Operating Officer’’; and

(B) by striking ‘‘Secretary may acquire’’ and inserting ‘‘Chief Operating Officer may acquire’’; and

(2) in paragraph (3)—

(A) by striking ‘‘Secretary of Defense determines’’ and inserting ‘‘Chief Operating Officer determines’’; and

(B) by striking ‘‘Secretary shall dispose’’ and inserting ‘‘Chief Operating Officer shall dispose’’.

(b) LEASING OF NONEXCESS PROPERTY.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) by striking ‘‘Secretary of Defense (acting on behalf of the Chief Operating Officer)’’ and inserting ‘‘Chief Operating Officer’’; and

(B) by striking ‘‘as the Secretary considers’’ and inserting ‘‘(subject to paragraph (7)) as the Chief Operating Officer considers’’;

(2) in paragraph (5), by striking ‘‘the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer’’ and inserting ‘‘the Chief Operating Officer may not enter into the lease’’;

(3) in paragraph (6)(A), by striking ‘‘Secretary of Defense’’ and inserting ‘‘Chief Operating Officer’’;

(4) by redesigning paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(5) by inserting after paragraph (6) the following new paragraph (7):

‘‘(7) A lease under this subsection may not be entered into until the terms of the lease are approved by the Secretary of Defense.’’

SEC. 624. DEPARTMENT OF DEFENSE CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—

(A) changes to the types of skills needed in the cyber workforce;

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs;

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) describe the process under which entities may submit an application to receive funds under the Pilot Program;

(3) establish evaluation criteria to be used for approving or prioritizing applications for funds under the Pilot Program in any fiscal year; and

(4) describe measurable objectives of performance for determining whether funds under the Pilot Program are being used in compliance with this section.

(b) CONSIDERATIONS.—When selecting entities to provide training and education services under the Pilot Program, consideration shall be given to whether the entity providing such services is a Center of Academic Excellence in Information Assurance Education (as that term is defined in section 2255 of title 10, United States Code), or a foreign higher education institution that is a constituent of the Cyber Education Research Center.

(c) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year for which funds are appropriated for the Pilot Program, the Secretary of Defense shall provide to the congressional defense committees a report on the operation of the Pilot Program during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A description of the expenditures made under the Pilot Program (including expenditures following a transfer of funds under the Pilot Program to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(2) A description and assessment of improvements in the Department of Defense cyber workforce resulting from such expenditures.

(3) Recommendations for additional authorities to fulfill the purpose of the Pilot Program.

(d) STATEMENT OF FUNDING.—A statement of the funds that remain available under the Pilot Program at the end of such fiscal year.
shall be deposited in the general fund of the Treasury of the United States.

(b) CYBER WORKFORCE DEFINED.—In this section, the term ‘cyber workforce’ means the following:

(1) Personnel in positions that require the performance of cybersecurity or other cyber-related functions as so identified pursuant to the Federal Cybersecurity and Protection Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note).

(2) Military personnel or civilian employees of the Department of Defense who are not described in paragraph (1) but who—

(A) are assigned functions that contribute significantly to cyber operations; and

(B) are designated as temporary members of the cyber workforce by the Chief Information Officer of the Department of Defense, or by the head of a military department or Defense Agency, for the limited purpose of receiving training for the performance of cyber-related functions.

SA 624. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Outsourcing Prevention

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ‘Defending American Jobs Act’.

SEC. 1092. WORKFORCE DISCLOSURE REQUIREMENTS FOR DEFENSE CONTRACTS.

(a) INFORMATION REQUIRED.—The Secretary of Defense shall require each contractor that enters into a contract with the Department of Defense for the procurement of property or services to provide to the Department, on an annual basis for the duration of the contract, the following information:

(1) The number of individuals employed by the contractor in the United States.

(2) The number of individuals employed by the contractor outside the United States.

(3) A description of the wages and employee benefits being provided to the employees of the contractor in the United States.

(4) A description of the wages and employee benefits being provided to the employees of the contractor outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—Beginning on the date that is one year after a contractor enters into a contract described under subsection (a), and annually thereafter for the duration of the contract, the contractor shall provide, in addition to the information required under subsection (a), a written certification that contains the following information:

(1) The percentage of the workforce of the contractor outside the United States that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the contractor that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

The amendment included an update on implementation by the Department of any previous such recommendations.

SA 627. Mr. CARDIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 910. STRIKING PROVISIONS THAT NEGATIVELY IMPACT THE ACCESSIBILITY AND AFFORDABILITY OF PEDIATRIC SERVICES.

Any provision of this Act shall be null and void and of no effect if such provision would—

(1) eliminate, limit access to, or reduce the availability of pediatric dental services by repealing all or parts of the Affordable Care Act, block granting or imposing per capita caps on the Medicaid program, or;

(2) otherwise negatively impact children’s access to coverage for such services.

SA 628. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 911. TO STRIKE PROVISIONS THAT WOULD ELIMINATE OR REDUCE CONSUMER PROTECTIONS PROVIDED BY THE PATIENT’S BILL OF RIGHTS UNDER PPACA.

Any provision of this Act shall be null and void and of no effect if such provision would eliminate or reduce the consumer protections provided by the Patient’s Bill of Rights under the Patient Protection and Affordable Care Act, including:

(1) the ban on health plans discriminating against adults and children with pre-existing conditions, dropping coverage, limiting coverage under a health plan, limiting choice of doctors, or restricting emergency room care;

(2) the guarantee of a health plan enrollee’s right to appeal;

(3) coverage of young adults under their parent’s health plans; and

(4) coverage under a health plan of preventive care with no cost-sharing.

SA 629. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 912. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DESTABILIZE THE INDIVIDUAL HEALTH INSURANCE MARKET IN 2018.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would destabilize the individual health insurance market.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate.
only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the Chair on a point of order raised under subsection (a).

SA 630. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. POINT OF ORDER AGAINST LEGISLATION THAT WOULD INCREASE MEDICAL BANKRUPTCIES.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would increase the number of medical bankruptcies in the United States.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 631. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DECREASE ACCESS TO MEDICATION ASSISTED TREATMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would decrease access to medication assisted treatment.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 632. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 820, line 14, insert “, cost of backup power,” after “energy security”.

SA 633. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 15. LIMITATION ON MODIFICATION OF STATUS OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection (d) with respect to transgender members of the Armed Forces until 60 days after the date of the submittal to Congress of a report on the six-month review being conducted by the Secretary of Defense in order to evaluate the impact of accessions of transgender individuals into the Armed Forces on readiness and lethality that will include all relevant considerations.

(b) ACTIONS.—An action described in this subsection with respect to transgender members of the Armed Forces is any of the following in connection with the nature of such members as transgender individuals:

(1) A modification of service status in the Armed Forces, including the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action;

(2) A modification of the present entitlement or eligibility for health care benefits as a member of the Armed Forces, or of the scope or nature of benefits to which entitled or eligible;

(3) Any change of responsibility or position (other than through promotion or routine reassignment or deployment).

SA 634. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 16. RECOGNITION OF THE NATIONAL MU- SEM OF WORLD WAR II AVIATION.

(a) FINDINGS.—Congress finds the following:

(1) World War II was one of the most consequential events in the history of the United States, and it represents a time of moral clarity and common purpose that continues to inspire people in the United States.

(2) The courage, bravery, and heroism of United States aviators played a critical role in the success of the United States during World War II.

(3) The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America’s National World War II Aviation Museum.

(b) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to authorize Federal funds to be expended for any purpose related to the National Museum.

SA 635. Mr. KAINE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 17. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

(a) IN GENERAL.—In support of the policy outlined in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure, improve support for processing and launch of United States national security space missions from Federal ranges.

(b) ELEMENTS.—The program required by this section shall include:

(1) investments in infrastructure to improve operations at ranges in the United States that launch national security space missions that may benefit all users, to enhance the overall capabilities of those ranges, to improve safety, and to reduce the long-term cost of operations and maintenance.

(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden launch providers face for such Fiscal Year 2018 support and infrastructure modernization program at ranges in the United States that launch national security space missions.

(c) COOPERATION.—In carrying out this section, the Secretary shall consult with and coordinate information with the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at ranges in the United States that launch national security space missions.

SA 636. Mr. PERDUE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 18. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) FINDINGS.—Congress finds the following:

(1) World War II was one of the most consequential events in the history of the United States, and it represents a time of moral clarity and common purpose that continues to inspire people in the United States.

(2) The courage, bravery, and heroism of United States aviators played a critical role in the success of the United States during World War II.

(3) The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America’s National World War II Aviation Museum.

(b) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to authorize Federal funds to be expended for any purpose related to the National Museum.
activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1063 and insert the following:

SEC.... CERTIFICATIONS ON RELIABILITY OF THE FINANCIAL STATEMENTS OF THE MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE.—Not later than September 30, 2017, and each year thereafter, the Secretary of Defense shall certify to the congressional defense committees whether or not the full financial statements of the Department of Defense are reliable as of the date of such certification.

(b) MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS.—

(1) IN GENERAL.—Not later than September 30, 2017, and each year thereafter, each Secretary of a military department, each head of a Defense Agency, and each head of any other organization or element of the Department of Defense designated by the Secretary of Defense for purposes of this subsection shall certify to the congressional defense committees whether or not the full financial statements of the military department, the Defense Agency, or the organization or element concerned became reliable during the fiscal year in which such certification is to be submitted.

(2) TRANSMITTAL THROUGH SECRETARY OF DEFENSE.—The individual certifications required by this subsection shall be transmitted to the congressional defense committees collectively by the Secretary under procedures established by the Secretary for purposes of this subsection.

(c) TERMINATION ON RECEIPT OF UNMODIFIED AUDIT OPINION ON FULL FINANCIAL STATEMENTS.—A certification is no longer required under subsection (a) or (b) with respect to the Department of Defense, or a military department, Defense Agency, or any other organization or element of the Department, as applicable, after the Department of Defense or such military department, Defense Agency, or any other organization or element receives an unmodified audit opinion on its full financial statements.

SEC.... STREAMLINING OF REQUIREMENTS IN CONNECTION WITH AUDITS AND THE RELIABILITY OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL OF LIMITATION ON INSPECTOR GENERAL CONDUCT OF AUDIT OF UNRELIABLE FINANCIAL STATEMENTS.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subsection (d).

(b) CESSATION OF APPLICABILITY OF FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN REQUIREMENTS.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2222 note) is amended by adding at the end the following new subsection:

"(d) CESSATION OF APPLICABILITY.—This section and the requirements of this section shall cease to be effective on the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth a certification that the financial statements of each department, agency, activity, and other component of the Department of Defense are under audit.

SEC.... RANKINGS OF AUDITABILITY OF THE FINANCIAL STATEMENTS OF THE ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall, in coordination with the Secretary of Defense (Comptroller), submit to the congressional defense committees a report setting forth a ranking of the auditability of the financial statements of the military departments, agencies, organizations, and elements of the Department of Defense according to the progress made toward achieving auditability as required by this Act. The Under Secretary of Defense shall determine the criteria to be used for purposes of the rankings.

SA 637. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.... TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR DISABLED VETERANS WITH A SERVICE-CONNECTED, PERMANENT DISABILITY RATED AS TOTAL.

(a) AVAILABILITY OF TRANSPORTATION.—Section 2641b of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.—(1) The Secretary of Defense shall provide transportation on scheduled and unscheduled military flights within the continental United States, and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any veteran with a service-connected, permanent disability rated as total.

"(2) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary shall provide transportation under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

"(3) The requirement to provide transportation on Department of Defense aircraft on a space-available basis under paragraph (1) shall apply on a space-available basis described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under this section.

"(4) In this subsection, the terms ‘veteran’ and ‘service-connected’ have the meanings given those terms in section 101 of title 38.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows: ‘‘1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, and shall apply to payments for months beginning on or after that date.

SEC.... DETERMINATION OF CERTAIN SERVICES IN PHILIPPINES DURING WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the ‘‘Missouri List’’.

SA 639. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC.... ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREEs WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CURRENT AUTHORITY.—Subsection (a) of section 1414 of title 38, United States Code, is amended—

(1) by striking ‘‘1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation’’ and inserting ‘‘1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation’’;

(2) by inserting ‘‘1414a. Veterans who retired under chapter 61 on or after June 25, 1990, and were entitled to retired pay are also eligible for disability compensation: concurrent payment of retired pay and disability compensation’’;

(3) by inserting at the end the following:

"1414a. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation’’.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414a of title 38, United States Code, is amended to read as follows: ‘‘1414a. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2017, and shall apply to payments for months beginning on or after that date.

SEC.... COORDINATION OF CONCURRENT RECEIPT REQUISITES.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.

(1) QUALIFIED RETIREEs.—Subsection (a) of section 1414a of title 38, United States Code, as amended by section (a), is amend-
SEC. 655. PROHIBITION ON THE PRIVATIZATION OF THE DEFENSE COMMISSARY SYSTEM.

The Secretary of Defense may not privatize the defense commissary system under chapter 147 of title 10, United States Code.

SA 642. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. ... REVIEW OF TAP FOR WOMEN.

(2) in the Military Personnel Account, the Secretary of Defense shall conduct a comprehensive review of the Transition Assistance Program to ensure that it addresses the unique challenges and needs of women as they transition from the Armed Forces to civilian life.

SA 643. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. ... PROGRAM TO ENCOURAGE MILITARY MEDICAL PROFESSIONALS TRANSITIONING OUT OF THE ARMED FORCES TO SEEK EMPLOYMENT WITH THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Defense shall establish a program to encourage individuals who are transitioning out of the Armed Forces and who served in the Armed Forces to seek employment with the Veterans Health Administration of the Department of Veterans Affairs.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create any additional authority not otherwise provided in law to convert a former member of the Armed Services to an employee of the Veterans Health Administration; or

(2) to circumvent any existing requirement relating to a detail, reassignment, or other transfer of such a former member to the Veterans Health Administration.
provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. REPEAL OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.

On January 1, 2018, section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022) shall have no force or effect.

SA 648. Mr. SASSsubmitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. WAIVERS FOR STATE INNOVATION.

(a) General.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022) is amended—

(i) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “may” and inserting “shall”; and

(II) by striking “only if” and inserting “unless”; and

(ii) in the subparagraph heading, by striking “the” and inserting “a” and all that follows through “2017”;

(iv) by striking “With respect” and inserting the following:

“(A) PASS THROUGH OF FUNDING.—With respect to the Secretary establishing a State innovation plan under title II of this Act, any funds provided pursuant to title II of the concurrent resolution on the budget for fiscal year 2017 shall—

(1) remain available in the fiscal year in which they are provided; and

(2) remain available until the end of the fiscal year in which the funds are provided.

(b) Additional Funding.—There is authorized to be appropriated to carry out this section—

(1) for the years beginning with fiscal year 2017, to remain available until the end of fiscal year 2019, to provide grants to carry out this Act, including the authority to receive grants for purposes under paragraph (1); and

(2) for fiscal year 2017, to remain available until the end of fiscal year 2019.

(c) Use of Federal Funds.—Any funds used to carry out a State innovation plan approved under this section (A) shall be used consistent with the requirements of the Patient Protection and Affordable Care Act for the plan year, the State may use the funds available under the State’s allotment for the plan year for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods and which application the Secretary of Defense, for military construction, defense authorizations, and military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection B of title VII, add the following:

SEC. 2. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) Combat Trauma Injuries.—(1) Not later than October 1, 2020, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

(b) Not later than October 1, 2022, the Secretary—

(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

(B) except for purposes of such purpose.

(c) COMMUNICATIONS REQUIREMENT.—The Secretary of Defense shall—

(1) establish a commission to—

(A) establish an annual report to Congress on the implementation of this section; and

(B) report to Congress on the annual report of the commission established by subsection (a).

(d) Annual Report.—The Secretary shall establish an annual report to Congress on the implementation of this section.
may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

"(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

"(c) ANNUAL REPORTS.—(1) Not later than October 1, 2018, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

"(2) Each report under this subsection on or after October 1, 2022, shall include a description of any exemption under subsection (b) that is in force at the time of such report, and a current justification for such exemption.

"(d) DEFINITIONS.—In this section:

"(1) The term 'combat trauma injuries' means injuries likely to occur during combat, including—

"(A) death;

"(B) traumatic amputation;

"(C) amputation resulting from blast injury;

"(D) compromises to the airway; and

"(E) other injuries.

"(2) The term human-based training methods means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

"(A) simulators;

"(B) partial task trainers;

"(C) moulage;

"(D) simulated combat environments;

"(E) human cadavers; and

"(F) rotations in civilian and military trauma centers.

"(3) The term 'partial task trainers' means training aids that allow individuals to learn or practice specific medical procedures.


"(1) by striking 'exclusive' and inserting 'principal'; and

"(2) by striking 'full'.


"(1) by striking 'exclusive' and inserting 'principal'; and

"(2) by striking 'full'.


"(1) by striking 'exclusive' and inserting 'principal'; and

"(2) by striking 'full'.

SEC. 854. MODIFICATION OF LIMITATIONS ON USE OF FEDERAL FUNDS FOR JOINT CYBERSECURITY INITIATIVE WITH RUSSIA.

"(a) PROHIBITION.—No Federal funds may be used to establish, support, or otherwise promote directly or indirectly, the joint cybersecurity initiative involving the Government of the Russian Federation or any other entity operation under the direction of such government.

"(b) WAIVER.—Prohibition imposed under subsection (a) shall terminate on the date on which the President submits to the congressional defense committees a written certification that the Government of the Russian Federation has—

"(1) ceased ordering, controlling, or otherwise directing, supporting, or financing, acts intended to undermine democracies around the world; and

"(2) submitted a written statement acknowledging interference in the 2016 United States presidential election.

SEC. 855. PROHIBITION ON USE OF FEDERAL FUNDS FOR NATIONAL SECURITY INITIATIVE WITH RUSSIA.

"(a) PROHIBITION.—No Federal funds may be used to establish, support, or otherwise promote directly or indirectly, the national security initiative involving the Government of the Russian Federation or any other United States participation in a joint cybersecurity initiative involving the Government of the Russian Federation or any entity operation under the direction of such government.

"(b) WAIVER.—Prohibition imposed under subsection (a) shall terminate on the date on which the President submits to the congressional defense committees a written certification that the Government of the Russian Federation has—

"(1) ceased ordering, controlling, or otherwise directing, supporting, or financing, acts intended to undermine democracies around the world; and

"(2) submitted a written statement acknowledging interference in the 2016 United States presidential election.
(a) Development of Best Practices.—

(1) In General.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by inserting after section 247 the following new section:

"SEC. 248. STUDY AND REPORT ON BEST PRACTICES FOR PROTECTING THE INTEGRITY OF FEDERAL ELECTIONS AND FOR STORING AND SECURING VOTER REGISTRATION DATA.

"(a) In General.—The Commission, in consultation with the National Institute of Standards and Technology, the Secretary of Homeland Security, the Election Assistance Commission, the Chief Information Officers, the Multi-State Election Information Board, the Election Assistance Commission Technical Guidelines Development Board, the Election Assistance Commission Board of Advisors, the Election Assistance Commission Technical Guidelines Development Board, the National Association of Secretaries of State, the National Association of State Election Directors, the National Association of State Chief Information Officers, the Multi-State Information Sharing and Analysis Center, and other stakeholders the Commission deems necessary, shall conduct a study on each of the following:

"(1) Best practices for cybersecurity of Federal elections, including best practices for storing and securing voter registration data.

"(2) Best practices for election audits.

"(b) Public Hearings.—In conducting each of the studies under this section, the Commission shall hold public hearings.

"(c) Issues Considered.—

"(1) CYBERSECURITY OF FEDERAL ELECTIONS, INCLUDING BEST PRACTICES FOR STORING AND SECURING VOTER REGISTRATION DATA. Conducting the study under subsection (a)(1), the Commission shall consider the following:

"(A) The interference by foreign actors in the 2016 Federal election.

"(B) The opinion of intelligence officials that foreign states are likely to attempt to interfere in future Federal elections.

"(C) Election administration profiles based on the cybersecurity framework of the National Institute of Standards and Technology.

"(D) Best practices for storing and securing voter registration data.


"(F) Election administration profiles based on the average age of voting equipment on cybersecurity.

"(G) Any existing Federal funding sources that may be used to assist State and local governments to improve election cybersecurity.

"(H) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for cybersecurity of Federal elections.

"(2) Election Audits.—In conducting the study under subsection (a)(2), the Commission shall consider the following:

"(A) Public confidence in the administration of Federal elections.

"(B) Verifying the integrity of the election process.

"(C) Confirming the accuracy of results reported by the voting system.

"(D) Ensuring that the voting system is accurately tabulating ballots.

"(E) Ensuring that the winners of each election for Federal office are called correctly.

"(F) Current State requirements related to election audits.

"(G) Durational requirements needed to facilitate an election audit prior to election certification, including variations in the acceptance of postal ballots and election certification deadlines.

"(H) Any intrusive requirements and challenges for various types of election audits.

"(I) The potential to identify areas of improvement in election administration using varying types of election audits.


"(K) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

"(d) Report and Recommendations.—Not later than the date that is 6 months after the date of the enactment of this section, the Commission shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives relevant to each of the studies conducted under this section, together with recommendations with the matters described in paragraphs (1) and (2) of subsection (c).

"(2) CLEARKLY AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 247 the following new item:

"TITLE X—ELECTION TECHNOLOGY IMPROVEMENT GRANTS

"SEC. 1001. ELECTION TECHNOLOGY IMPROVEMENT GRANTS.

"(a) In General.—The Commission shall make a payment in an amount determined under section 1003(b), which meets the conditions described in section 1003.

"(b) Use of Funds.—

"(1) In the case of a State that has undergone a Security Risk and Vulnerability Assessment from the Department of Homeland Security with respect to the State’s election system, to address any recommendations in that assessment.

"(2) To implement the recommendations of the Commission under section 248(d) in accordance with the plan developed under section 1003.

"In the case of a State described in subparagraph (A), no amount of the payment received under this title may be used for any purpose described in subparagraph (B) before the date the State submits a State plan that meets the requirements of section 1003(b) directly.

"(c) Containing C lids.—In the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for payments under this title under section 1007; or

"(d) Pro Rata Reductions.—The Commission shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

"(2) Other Activities.—A State may use a payment under this title to carry out other activities to improve the administration of elections from the State if the State certifies to the Commission that—

"(A) The State has implemented the recommendations of the Commission under section 248(d).

"(B) The State will use any remaining funds to improve, upgrade, or acquire new technological equipment related to election administration, which may include—

"(i) Voting machines;

"(ii) Voting machines systems;

"(iii) Electronic poll books;

"(iv) Online voter registration systems;

"(v) Participation in the Electronic Registration Information Center;

"(vi) Accessible voting equipment; and

"(vii) Other technological upgrades identified by the Commission in the studies conducted under section 248(a) and (b).

"(e) Continued Availability of Funds After Appropriation.—A payment to a State under this title shall be available to the State without fiscal year limitation.

"SEC. 1003. CONDITION FOR RECEIPT OF FUNDS.

"(a) In General.—A State is eligible to receive a payment under this title if the chief executive officer of the State, or designee, in consultation and coordination with the chief election official, in consultation and coordination with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State must meet the requirements referred to in the previous sentence by filing with the Commission a statement which reads as follows:

"(v) Participation in the Electronic Registration Information Center;

"(vi) Accessible voting equipment; and

"(vii) Other technological upgrades identified by the Commission in the studies conducted under section 248(a) and (b).
hereby certifies that it is in compliance with the requirements referred to in section 1003(b) of the Help America Vote Act of 2002. "(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.--

(1) IN GENERAL.—The requirements referred to in this subsection are as follows:

(A) The State has filed with the Commission an updated State plan under section 1004(a); and

(B) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(2) To the extent that any portion of the payment is used for activities other than implementing the recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1004(b)(1)(A) or the requirements of section 1004; and

(3) The State took the public comments associated with the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

"SEC. 1006. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.--

For purposes of section 1004(b)(1)(C), a State plan meets the public notice and comment requirements of this section if—

(1) not later than 60 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment; and

(2) the State publishes notice that the preliminary version of the plan is so available; and

(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

"SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.--

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for payments under this Act for fiscal years 2018 and 2019.

(b) AVAILABLE.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

"SEC. 1008. REPORTS.--

Not later than 6 months after the end of the fiscal year for which a State received a payment under this title, the State shall submit a report to the Commission on the activities conducted with the funds provided, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 1004(b); and

(2) an analysis and description of the activities funded under this title and an analysis and description of how such activities conformed to the State plan under section 1004.

"TITLE X.—ELECTION TECHNOLOGY IMPROVEMENT GRANTS

"Sec. 1001. Election technology improvement grants.

"Sec. 1002. Allocation of funds.

"Sec. 1003. Condition for receipt of funds.

"Sec. 1004. State plan.

"Sec. 1005. Process for development and filing of plan; publication by commission.

"Sec. 1006. Requirement for public notice and comment.

"Sec. 1007. Authorization of appropriations.

"Sec. 1008. Reports.

(c) CONTRACTING ASSISTANCE.—The Administrator of the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall take such actions as may be necessary through competitive processes—

(1) to augment the set of private sector organizations which are capable of providing cybersecurity services to States to secure their systems and infrastructure from cyber attacks;

(2) to establish contract vehicles to enable States to access the services of one or more large private sector organizations as soon as payment are made under title X of the Help America Vote Act of 2002;

(3) to ensure that the such contract vehicles permit individuals to augment Federal funds with funding otherwise available to the States; and

other local election officials, stake holders, and other citizens, appointed for such purpose by the chief State election official.
(4) to provide a list of qualified organizations to the Election Assistance Commission in order to ensure it is readily available to State election officials.

(d) INFORMATION SHARING WITH STATE ELECTION OFFICIALS.—

(1) SECURITY CLEARANCE.—Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security shall establish an expedited process for providing the appropriate security clearance for the Secretary of State or highest election administration official of each State and 1 designee selected by such Secretary of State or election administration official to ensure that information relating to cybersecurity incidents and threats is communicated to chief State election officials in a timely manner.

(2) INFORMATION SHARING.—Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security and the Director of National Intelligence shall establish a cybersecurity incident notification process and cybersecurity incident response protocols for the sharing of information among State and Federal officials relating to election cybersecurity threats, vulnerabilities, and breaches.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 30 days after the enactment of this section, and each year thereafter, the Secretary of Homeland Security and the Director of National Intelligence shall submit a joint report to congressional committees in both classified and unclassified form, on foreign threats to elections in the United States. The report shall address the current and probable threats to our election system and strategies to prevent foreign interference.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—

(i) The term ‘appropriate congressional committees’ means—

(I) the Committee on Rules and Administration, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on House Administration, the Committee on Armed Services, the Committee on Homeland Security, the Permanent Select Committee on Intelligence of the House of Representatives.

SA 657. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48 (and the item related to such chapter in the table of chapters) and, in subchapter A, by striking paragraph (3) (as so redesignated).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to the calendar year beginning after December 31, 2015.

SA 658. Mr. MERRICKLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SEC. 109. CONSIDERATION OF SERVICE BY RECIPIENTS OF FEDERAL SCHOLARSHIPS AND FELLOWSHIPS IN EXCEPTED SERVICE POSITIONS AS SERVICE BY SCHOLARSHIP AND FELLOWSHIP HOLDERS UNDER CAREER APPOINTMENTS FOR PURPOSES OF CAREER TENURE.


(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2), in the matter before subparagraph (A), by striking ‘‘(2)(C)’’ and inserting ‘‘(4)(C)’’; and

(3) by inserting after paragraph (2) the following:

‘‘(3) CAREER TENURE.—In the case of an individual whose appointment to a position in the excepted service is converted to a career or career conditional appointment under paragraph (1)(B), the period of service described in such paragraph shall be treated, for purposes of the service requirements for career tenure under title 5, United States Code, as if it were service in a position under a career or career-conditional appointment.’’.}

SA 661. Mr. MERRICKLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. 122. PROHIBITION ON TRANSFER OF CLUSTER MUNITIONS TO SAUDI ARABIA.

No amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be used to transfer or authorize the transfer of cluster munitions to Saudi Arabia.

SA 662. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, insert the following:

At the appropriate place in title B, insert the following:

SEC. 123. NATIONAL GUARD AND RESERVE ENTRPRENEURSHIP SUPPORTS.

(a) EXTENSION OF LOAN ASSISTANCE AND DEFERRAL ELIGIBILITY TO RESERVISTS BEYOND PERIODS OF MILITARY CONFLICT.

(1) SMALL BUSINESS ACT AMENDMENTS.—

Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(A) in subsection (b)(3)—

(i) in subparagraph (A)—

(I) by striking clause (ii); and

(II) by redesigning clause (i) as clause (ii); and

(III) by inserting before clause (ii), as so redesignated, the following:

‘‘(i) the term ‘active service’ has the meaning given that term in section 101(d)(3) of title 10, United States Code;’’; and

(II) in subsection (c), in paragraph (V), by striking ‘‘Clause (i)’’ and inserting ‘‘Clauses (i) and (ii)’’.

(b) MARRIAGE WHO HAVE A SAME-SEX SPOUSE

Who have a same-sex spouse

paragraph (4); and

(c) ELIGIBILITY.

The Secretary of Defense shall undertake an active campaign of outreach and strategies to prevent foreign interference.

SEC. 659. Mr. MERRICKLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. 101. ONE-YEAR PERIOD FOR ENROLLMENT IN THE SURVIVOR BENEFIT PLAN FOR ELIGIBLE PARTICIPANTS WHO HAVE A SAME-SEX SPOUSE UNDER AN EARLIER OR CURRENT MARRIAGE.

(a) IN GENERAL.—Notwithstanding any other provision of law, any individual eligible for participation, but not participating, in the Survivor Benefit Plan as of the date of the enactment of this Act who seeks to participate in the Plan for the benefit of the same-sex spouse of the individual under a marriage entered into or recognized as valid before that date may elect to participate in the Plan at any time during the one-year period beginning on that date in accordance with section 1448(a)(5) of title 10, United States Code.

(b) OUTREACH ON ELIGIBILITY AND PARTICIPATION FOR SPOUSES UNDER MARRIAGE AFTER ELIGIBILITY.—The Secretary of Defense shall undertake an active campaign of outreach designed to inform individuals who are or may become eligible for participation in the Survivor Benefit Plan of the availability of the election to participate in the Plan under section 1448(a)(5) of title 10, United States Code, for individuals who marry, including those whose marriage is recognized as valid under foreign law, during the one-year period extending from the date of the enactment of this Act.

(c) SURVIVOR BENEFIT PLAN DEFINED.—In this section, the term ‘Survivor Benefit Plan’ means the benefit plan established by subsection (b) of chapter 73 of title 10, United States Code.
(ii) in subparagraph (B), by striking “being ordered to active military duty during a period of military conflict” and inserting “being ordered to perform active service for a period of more than 30 consecutive days”;

(iii) in subparagraph (C), by striking “active duty” each place it appears and inserting “active service”;

(iv) in subparagraph (G)(ii)(II), by striking “active duty” and inserting “active service”;

(b) in section (n)—

(i) in the subsection heading, by striking “ACTIVE DUTY” and inserting “ACTIVE SERVICE”;

(ii) in paragraph (1)—

(I) by striking subparagraph (C);

(II) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(iii) by inserting before subparagraph (B), as so redesignated, the following:

“(A) ACTIVE SERVICE.—The term ‘active service’ has the meaning given that term in section 101(d)(3) of title 10, United States Code.”;

(iv) in subparagraph (B), as so redesignated, by striking “ordered to active duty during a period of military conflict” and inserting “ordered to perform active service for a period of more than 30 consecutive days”; and

(V) in subparagraph (D), by striking “active duty” each place it appears and inserting “active service”;

(ii) in paragraph (2)(B), by striking “active duty” each place it appears and inserting “active service”;

(2) AMENDMENTS.—Section 32 of the Small Business Act (15 U.S.C. 637) is amended by striking “and members of a reserve component of the Armed Forces” and inserting “members of a reserve component of the Armed Forces and the spouses of veterans and members of a reserve component of the Armed Forces”.

(3) REPORT.—Section 32 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(g) NATIONAL GUARD AND RESERVE DEPLOYMENT SUPPORT AND BUSINESS TRAINING.—

“(1) IN GENERAL.—In making grants carried out under section 8(b)(17), the Associate Administrator shall establish a program, to be known as the ‘National Guard and Reserve Deployment Support and Business Training Program’, to provide training, counseling, and other assistance to support members of a reserve component of the Armed Forces and their spouses.

“(2) AUTHORIZATIONS.—In carrying out this subsection, the Associate Administrator may—

“(A) modify programs and resources made available through section 8(b)(17) to provide training, information, and other resources specific to members of a reserve component of the Armed Forces and their spouses;

“(B) collaborate with the Chief of the National Guard Bureau, the Chief’s designee, the State Adjunct Generals or their designees, and other public and private partners; and

“(C) provide training, information, and other resources to the Chief of the National Guard Bureau and the Chief’s designee and State Adjunct Generals or their designees for the purpose of supporting members of a reserve component of the Armed Forces and the spouses of veterans and members of a reserve component of the Armed Forces.”.

SA 663. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 4. SYRIA STUDY GROUP.

(a) ESTABLISHMENT.—There is hereby established a working group to be known as the “Syria Study Group” (in this section referred to as the “Group”).

(b) PURPOSE.—(1) The purpose of the Group is to examine and make recommendations with respect to the military and diplomatic strategy of the United States with respect to the conflict in Syria.

(c) COMPOSITION.—(1) MEMBERSHIP.—The Group shall be composed of 8 members appointed as follows:

(A) Two members appointed by the chair of the Committee on Armed Services of the Senate.

(B) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(C) Two members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(D) Two members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(2) CO-CHAIRS.—(A) The chair of the Committee on Armed Services of the Senate and the chair of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Group to serve as co-chair of the Group.

(B) The ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Group to serve as co-chair of the Group.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Group. Any vacancy in the Group shall be filled in the same manner as the original appointment.

(d) DUTIES.—(1) REVIEW.—The Group shall review the current situation with respect to the United States military and diplomatic strategy in Syria, including a review of current United States objectives in Syria and the desired end state in Syria.

(2) ASSESSMENT AND RECOMMENDATIONS.—The Group shall—

(A) conduct a comprehensive assessment of the current situation in Syria, its impact on neighboring countries, resulting regional and geopolitical threats to the United States, and current military, diplomatic, and political efforts to achieve a stable Syria; and

(B) develop recommendations on a military and diplomatic strategy for the United States with respect to the conflict in Syria.

(3) RATIONALE FROM UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—The Group shall receive the full and timely cooperation of the Secretary of Defense and the Director of National Intelligence in providing the Group with analyses, briefings, and other information necessary for the discharge of the duties of the Group.

(2) LIAISON.—The Secretary of Defense and the Director of National Intelligence shall each designate at least one officer or employee of their respective organizations to serve as a liaison officer to the Group.

(f) REPORT.—(1) FINAL REPORT.—Not later than September 30, 2018, the Group shall submit to the President, the Secretary of Defense, and the Committees on Armed Services of the
Senate and the House of Representatives a report on the findings, conclusions, and recommendations of the Group under this section. The report shall do each of the following:

(A) Assess the current security, political, humanitarian, and economic situation in Syria.

(B) Assess the current participation and objectives of various external actors in Syria.

(C) Assess the consequences of continued conflict in Syria.

(D) Provide recommendations for a diplomatic resolution of the conflict in Syria, including options for a gradual political transition.

(E) Provide a roadmap for a United States and coalition strategy to reestablish security and governance in Syria, including recommendations for the synchronization of stabilization, development, counterterrorism, and reconstruction efforts.

(F) Address any other matters with respect to the conflict in Syria that the Group considers appropriate.

(2) INIMPLEMENTINGTHEPROMISSEOFOFFOCUSOFMILITARYCONSTRUCTION.

The United States supports Ukraine and the Ukrainian Security Initiative Assistance Initiative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) The United States reaffirms support for the sovereignty and territorial integrity of Ukraine and in the face of increased Russian aggression in the region;

(2) The United States should support Ukraine in improving its cybersecurity capabilities.

SA 667. Mr. McCONNELLPromised an amendment to amend SA 267 proposed by Mr. McCONNELLPromised to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; as follows:

(a) IN GENERAL.—Subsection (b) of section 480H of the Internal Revenue Code of 1986 is amended—

(1) by striking ''70%'' in subparagraph (A) and inserting ''100%'', and

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective beginning on January 1, 2017.

SA 666. Mr. BROWN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 585. EXTENSION OF REPORTS ON DIVERSITY IN MILITARY LEADERSHIP UNDER ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(g) of title 10, United States Code, is amended by striking ''2017'' and inserting ''2022''.

SA 666. Mr. BROWN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XI, add the following:

SEC. 105. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Title I of the Budget Control Act of 2011 is amended—

(1) in paragraph (1)(B) by striking ''$695'' in subparagraph (A) and inserting ''$500'', and

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective beginning on January 1, 2017.

SEC. 106. EMPLOYER MANDATOR.

(a) IN GENERAL.—Section 4191(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$695'' in subparagraph (A) and inserting ''$500'', and

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective beginning on January 1, 2017.

SEC. 107. EXPANSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Section 4191(c) of the Internal Revenue Code of 1986 is amended by striking December 31, 2017'' and inserting December 31, 2020.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective after December 31, 2016.

SEC. 109. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCURRED DURING PERIOD OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

(9) INCREASED LIMITATION.—In the case of any month beginning after December 31, 2017, and before January 1, 2021—

(A) paragraph (2)(A) shall be amended by substituting the amount in effect under subsection (c)(2)(A) of such title for $2,520'', and

(B) paragraph (2)(B) shall be amended by substituting the amount in effect under subsection (c)(2)(A) of such title for $4,500.

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

Title II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4092 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–1) is amended—

(1) in paragraph (3), by striking each of fiscal years 2018 and 2019 and inserting fiscal year 2018; and

(2) by striking paragraphs (4) through (8).
SA 668. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... INDIVIDUAL MANDATE.

(a) In General.—Section 5000A(c) of the Internal Revenue Code of 1866 is amended—

(1) in paragraph (2)(B)(iii), by striking “2.5 percent” and inserting “Zero percent”, and

(2) in paragraph (3)—

(A) by striking “$955” in subparagraph (A) and inserting “$0”, and

(B) by striking subparagraph (D).
military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

PART II—DISPOSITION OF CHARGES AND CONVENING OF COURTS-MARTIAL FOR CERTAIN OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE

SEC. 450. This part may be cited as the “Military Justice Improvement Act of 2017”.

SEC. 451. IMPROVEMENT OF DETERMINATIONS ON REFERRAL OF CHARGES FOR CERTAIN OFFENSES UNDER UCMJ WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IMPROVEMENT OF DETERMINATIONS.—

(1) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Defense shall require the Secretaries of the military departments to provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the referral of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determination under section 834 such chapter (article 30(a) of the Uniform Code of Military Justice) on the referral of charges.

(2) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30(a) of the Uniform Code of Military Justice) on the referral of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determination under section 834 such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(B) COVERED OFFENSES.—An offense specified in this subsection is an offense as follows:

(1) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(2) The offense of obstructing justice under section 813 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(3) The offense of retaliation for reporting a crime under section 932 of title 10, United States Code (article 132 of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(4) A conspiracy to commit an offense specified in paragraphs (1) through (3) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).
United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section (a) applies.

(b) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in sub-paragraph (A).

(2) Personnel.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence as of the effective date for this part specified in section SEC.

... DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) In General.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections and paragraphs of this part using personnel, funds, and resources otherwise authorized by law.

(b) No Authorization of Additional Personnel or Resources.—Sections and paragraphs of this part shall be carried out by authorities for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. ... MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES BY DEFENSE ADVISORY COMMITTEE ON INTEGRATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546(c) of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended—

(1) in paragraph (1)—

(A) by striking "the investigation" and inserting "the following:

(A) The investigation;" and

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

"(B) The implementation and efficacy of sections and paragraphs of this part through the National Defense Authorization Act for Fiscal Year 2018 and the amendments made by such sections;"

and

(2) in paragraph (2), by striking "paragraph (1)" and inserting "paragraph (1A)".

SEC. ... EFFECTIVE DATE AND APPLICABILITY.

(a) Effective Date and Applicability.—This part and the amendments made by this part shall take effect 180 days after the date of enactment of this Act, and shall apply with respect to the discharge of charges of an offense specified in subsection (a) of section 822, and not excluded under subsection (c) of section 822, which offense occurs on or after such effective date.

(b) Revisions of Policies and Procedures.—Any revision of policies and procedures to which any military departments or the Department of Homeland Security as a result of this part and the amendments made by this part shall be completed so as to come into effect together with the coming into effect of this part and the amendments made by this part in accordance with subsection (a).

SA 673. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2310, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ... DEPARTMENT OF DEFENSE DIVERSITY AND WORKFORCE.

(a) Definitions.—In this section, the following definitions apply:

(1) Applicant Flow Data.—The term "applicant flow data" means an individual serving in a position—

(A) in the civil service; or

(B) as a member of an armed force, including an armed force when it is operating as a service in the Department of Defense and the Coast Guard.

(2) Armed Force.—The term "armed force" has the meaning given that term in section 2101 of title 5, United States Code.

(3) Civil Service.—The term "civil service" has the meaning given that term in section 2101 of title 5, United States Code.

(4) Department.—The term "Department" means the Department of Defense and the Coast Guard.

(5) Diversity.—The term "diversity" means all the different characteristics and attributes of the workforce of the Department, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and reflective of the United States of America.

(6) Secretaries.—The term "Secretaries" means the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of Defense)."
(D) prevent illegal retaliation against employees for participating in a protected equal employment opportunity activity;

(E) provide reasonable accommodation for qualified employees and applicants with disabilities;

(F) resolve workplace conflicts, confrontations, and complaints in a prompt, impartial, constitutive, and timely manner; and

(G) recruit a diverse workforce by—

(i) recruiting women, minorities, veterans, and undergraduate and graduate students;

(ii) conducting interviews at historically Black colleges and universities, Hispanic serving institutions, women’s colleges, and colleges that typically serve majority minority populations; placing job advertisements in urban communities;

(iv) placing job advertisements in newspapers, magazines, and job sites oriented toward women and people of color; and

(v) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in national security.

(5) INTELLIGENCE COMMUNITY.—The elements of the intelligence community in the Department may make available a single report with respect to the diversity and inclusion efforts of the workforce of the elements of the intelligence community under this subsection.

(d) UPDATES.—The second report, and each subsequent report, under subsection (c) (which may be provided as part of an annual report required under another provision of law) shall include—

(1) demographic data and information on the status of diversity and inclusion efforts of the Department;

(2) an analysis of applicant flow data;

(3) demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs; and

(4) the specified data in a searchable database format.

(e) CONDUCT STAY AND EXIT INTERVIEWS OR SURVEYS.—

(1) RETAINED MEMBERS.—The Director of the Office of Diversity Management and Equal Opportunity shall conduct periodic interviews or surveys of a representative and diverse cross-section of the members of the workforce of the Department to—

(A) understand the reasons of the members for remaining in a position in the Department; and

(B) receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of the members to remain.

(2) ON THE JOB INTERVIEWING.—The Director of the Office of Diversity Management and Equal Opportunity shall provide an opportunity for an exit interview or survey to each member of the workforce of the Department who separates from service with the Department, to understand better the reasons of the member for leaving.

(3) USE OF ANALYSIS FROM INTERVIEWS AND SURVEYS.—The Director of the Office of Diversity Management and Equal Opportunity shall analyze and use information obtained through interviews and surveys under paragraphs (1) and (2), including to evaluate—

(A) if and how the results of the interviews differ by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and

(B) whether to implement any policy changes recommended by the Secretary including recommendations as part of a report required under subsection (c).

(4) TRACKING DATA.—The Department shall—

(A) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; and

(B) evaluate such data on an annual basis to look for ways to improve outreach and recruitment for such programs consistent with merit system principles.

(C) understand how participation in such programs differs by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and

(D) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

(1) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.

(a) IN GENERAL.—The Department is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(b) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Department may offer, or sponsor members of the workforce of the Department to participate in, a Senior Executive Service candidate development program or other program that trains members of the workforce of the Department on the skills required for appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce of the Department are granted professional development or career advancement opportunities, the Department shall—

(i) ensure any program offered or sponsored by the Department under subparagraph (A) comport with the requirements of subpart C of part 12 of title 5, United States Code, and regulations thereunder, or any successor thereto, including merit staffing and assessment requirements; and

(ii) for other positions, the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

(iii) understand how participation in any program offered or sponsored by the Department under subparagraph (A) differs by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

(3) TRACKING DATA.—The Department shall—

(A) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; and

(B) evaluate such data on an annual basis to look for ways to improve outreach and recruitment for such programs consistent with merit system principles.

(g) INITIATIVES.—

(1) IN GENERAL.—The Department should—

(A) continue to seek a diverse and talented pool of appointees;

(B) have diversity recruitment as a goal of the intelligence community under this section.

(2) SCOPE.—The diversity recruitment initiatives described in paragraph (1) should include—

(A) recruiting at historically black colleges and universities, Hispanic-serving institutions, women’s colleges, and colleges and universities that typically serve majority minority populations;

(B) sponsoring and recruiting at job fairs in urban communities;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(D) providing opportunities through highly respected and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and Governmental Affairs, and the Committee on Intelligence, that focus on diversity recruitment and retention; and

(E) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

SA 674. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military construction, Veterans Affairs, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, line 24, strike ‘‘relevant Chief of Mission’’ and insert ‘‘Secretary of State’’.

On page 594, line 9, insert ‘‘the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives’’ before ‘‘a report’’.

SA 675. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military construction, Veterans Affairs, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 6387. Department of Defense family and medical leave banks.

(a) IN GENERAL.—Subchapter V of chapter 63 of title 5, United States Code, is amended—

(1) by redesigning section 6387 as section 6388; and

(2) by inserting after section 6386 the following:

"§ 6387. Department of Defense family and medical leave banks

"(a) DEFINITIONS.—In this section—

(1) the term covered DOD employee means an individual described in section 6381(1)(A) who is employed by the Department, without regard to whether the individual meets the requirements of section 6381(1)(B);

(2) the term ‘‘Department’’ means the Department of Defense;

(3) the term ‘‘covered unit’’ means any active-duty component, or other administrative unit of the Department designated by the Secretary under subsection (b)(1);

(4) the term ‘‘covered unit’’ includes any active-duty component, or other administrative unit of the Department designated by the Secretary under subsection (b)(1);
“(d) CREDITING OF LEAVE.—

“(1) IN GENERAL.—Any leave transferred to a covered DOD employee under this subsection (a)(1) shall be credited to the covered DOD employee in accordance with section 6382(d)(2).

“(2) USE OF FAMILY AND MEDICAL LEAVE.—

“(A) IN GENERAL.—A covered DOD employee to whom leave is transferred under subsection (a)(1) may elect to use the leave in accordance with the leave transfer agreement entered into between the covered DOD employee and the employee to whom the leave is transferred.

“(b) APPROVAL.—If a Family and Medical Leave Board shall, by application for a covered DOD employee under subparagraph (A), the Secretary shall transfer to the family and medical leave bank of the designated unit employing the covered DOD employee the leave of an employee who is or anticipates being absent from regularly scheduled duty because of a circumstance described in section 6382(a)(1) (without regard to whether the covered DOD employee requests to have leave transferred to the employee from the family and medical leave bank; and

“(e) APPLICATION FOR LEAVE.—

“(1) IN GENERAL.—A covered DOD employee who is or anticipates being absent from regularly scheduled duty because of a circumstance described in section 6382(a)(1) (without regard to whether the covered DOD employee requests to have leave transferred to the employee from the family and medical leave bank; and

“(f) USE OF LEAVE.—

“(1) IN GENERAL.—A covered DOD employee to whom leave is transferred under subsection (a)(1) may elect to use the leave in accordance with the leave transfer agreement entered into between the covered DOD employee and the employee to whom the leave is transferred.

“(g) CREDITING OF LEAVE.—

“(1) IN GENERAL.—A covered DOD employee to whom leave is transferred under subsection (a)(1) may elect to use the leave in accordance with the leave transfer agreement entered into between the covered DOD employee and the employee to whom the leave is transferred.

“(h) USE OF FAMILY AND MEDICAL LEAVE.—

“(A) IN GENERAL.—Any leave transferred to a covered DOD employee under this subsection (a)(1) shall be credited to the covered DOD employee in accordance with section 6382(d)(2).

“(2) USE OF LEAVE.—

“(A) IN GENERAL.—A covered DOD employee to whom leave is transferred under subsection (a)(1) may elect to use the leave in accordance with the leave transfer agreement entered into between the covered DOD employee and the employee to whom the leave is transferred.

“(B) APPROVAL.—If a Family and Medical Leave Board shall, by application for a covered DOD employee under subparagraph (A), the Secretary shall transfer to the family and medical leave bank of the designated unit employing the covered DOD employee the leave of an employee who is or anticipates being absent from regularly scheduled duty because of a circumstance described in section 6382(a)(1) (without regard to whether the covered DOD employee requests to have leave transferred to the employee from the family and medical leave bank; and

“(c) TECHNICAL AND CONFORMING AMENDMENT.—The section of this subsection (c) for costs incurred by the spouse in obtaining professional re-licensure in a new State in connection with the member’s permanent change of station to a location in such State.

“(B) Reimbursement under this paragraph shall be available for all costs incurred by the covered DOD employee under subsection (c) for costs incurred by the spouse in obtaining professional re-licensure in a new State in connection with the member’s permanent change of station to a location in such State.

“(ii) Exam fees and registration fees paid to a licensing body.

“(i) Application fees to a State board, bar association, or other certifying or licensing body.

“(ii) Exam fees and registration fees paid to a licensing body.

“(ii) Costs of additional coursework required for eligibility for licensing or certification specific to State concerned (other than costs in connection with continuing education courses).

“(C) The total amount of reimbursement of costs under this subsection (c) for costs incurred by the member’s permanent change of station to a location in such State.

“(D) Reimbursement under this paragraph shall be available for all costs incurred by the covered DOD employee under subsection (c) for costs incurred by the spouse in obtaining professional re-licensure in a new State in connection with the member’s permanent change of station to a location in such State.

“(E) Reimbursements under this paragraph shall be distributed on a quarterly basis.

“(F) Reimbursements under this paragraph shall expire on the enactment of a credit against the tax imposed by subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 to account for the qualified re-licensing costs of an individual who is married to a member of the
army, air force, and naval forces and who moves to another State with such member under a permanent change of station order.’’

SA 677. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 677. STUDY ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an appropriate independent entity to conduct a study and assessment of United States security and foreign policy interests in the Freely Associated States, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States under the Compacts of Free Association.

(2) The economic assistance practices of the People’s Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests.

(4) Any other matters the Secretary considers appropriate for purposes of the study.

(c) DEFENSE PERSONNEL.—The Secretary shall provide the entity conducting the study pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the entity can conduct a thorough and independent assessment of the matters covered by the study, including the matters specified in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study conducted pursuant to subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 678. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 678. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF MISSILE DEFENSE COSTS.

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate over the 10-year period beginning on the date of the report associated with fielding and maintaining the current ballistic and cruise missile defenses of the United States.

(2) An estimate of the costs to acquire a national missile defense system sufficient to protect the United States against a ballistic missile attack from the Russian Federation or the People’s Republic of China.

(3) An estimate of the costs to design, launch, maintain, operate, and replenish space-based interceptors and sensors of different constellation sizes ranging from limited to comprehensive.

SA 679. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 679. RELOCATION OF FUNDS AVAILABLE FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE TO MILITARY PERSONNEL STRENGTHS.

(a) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated for fiscal year 2018 for military activities of the Department of Defense by this Act is hereby increased by $65,000,000, with the amount of the increase to be available for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 680. REPORT ON THE NEED FOR A JOINT CHEMICAL-BIOLOGICAL DEFENSE LOGISTICS CENTER.

Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the operational need and requirement for a consolidated Joint Chemical-Biological Defense Logistics Center.

(2) Identification of the specific operational requirements for rapid deployment of chemical and biological defense assets and equipment maintenance, storage, inspection, and distribution of specialized chemical, biological, radiological, and nuclear equipment at the Joint Chemical-Biological Defense Logistics Center.

(3) A description of program objectives and milestones to achieve initial operating capability and full operating capability.

(4) Estimated facility and personnel resource requirements for use in planning, programming, and budgeting.

(5) An environmental assessment of proposed effects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 681. Mr. JOHNSON (for himself, Mrs. EINST, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 681. REPORT ON THE AUDIT OF THE FULL FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) A description of the work under taken and planned to be undertaken by the Department of Defense, and the military departments, Defense Agencies, and other organizations and elements of the Department, to test and verify transaction data from feeder systems.

(2) The projected timeline of the Department in connection with the audit of the full financial statements of the Department, including:

(A) The date on which the Department projects the beginning of an audit of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

(B) The date on which the Department projects the completion of audits of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

(C) The anticipated total cost of future audits as described in subparagraphs (A) through (C).

(3) The anticipated annual costs of maintaining an unqualified audit opinion on the
full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year after an unqualified opinion on such full financial statements for a fiscal year is first obtained.

SA 682. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. FINANCIAL AID FUND.

(a) IN GENERAL.—If the Department of Defense does not obtain a qualified audit opinion on any of its financial statements for fiscal year 2020 by March 31, 2021, the Secretary of Defense shall establish a fund to be known as the “Fund” (in this section referred to as the “Fund”) for the purpose of activities for the resolution of Notices of Findings and Recommendations received.

(b) INCLUSIONS.—Inclusions in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

Any other amounts authorized for transfer or deposit into the Fund by law.

(c) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for activities for the resolution of Notices of Findings and Recommendations received.

(2) TRANSFERS FROM FUND.—Amounts in the Fund may be transferred to any other account of the Department in order to fund activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as such account, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to the authority of the Secretary to transfer amounts by law.

(3) LIMITATIONS.—Amounts in the Fund may be transferred under this subsection in a fiscal year only to agencies and organizations of the Department that have obtained an unmodified audit opinion on their financial statements for at least one of the two preceding fiscal years. Amounts so transferred shall be available only to permit the agency or organization to which transferred to carry out activities described in paragraph (1).

(d) TRANSFERS TO FUND IN CONNECTION WITH CERTAIN ORGANIZATIONS.—

(1) TRANSFERS IN AMOUNT AVAILABLE.—Subject to paragraph (2), if, during any fiscal year after fiscal year 2021 the Secretary determines that an agency or organization of the Department has not achieved a qualified opinion on its full financial statements, is being identified as not audit ready, is receiving a disclaimer of opinion on its financial statements, or receiving an adverse opinion on its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such agency or organization for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such agency or organization for the fiscal year; minus

(ii) the lesser of—

(I) an adjustment equal to 0.5 percent of the amount described in clause (i); or

(II) $100,000,000; and

(B) the Secretary shall deposit in the Fund pursuant to such amounts to such agencies or organizations of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an agency or organization of the Department under paragraph (1) shall not apply to amounts, if any, available to such agency or organization for the fiscal year for military personnel.

(3) LIMITATION ON FUNDS TRANSFERRED.—

The authority to transfer amounts pursuant to this subsection applies only with respect to amounts that are appropriated after the date of the enactment of this Act.

(4) REPORTS ON TRANSFERS.—Not later than 15 days before the transfer of any amount pursuant to this subsection, the Secretary shall submit to the congressional committees a notice on the transfer, including the agency or organization whose funds will provide the source of the transfer, the amount that will be transferred, the specific plans for the use of the amount transferred for the resolution of Notices of Findings and Recommendations concerning—

(e) DEFINITIONS.—In this section:

(1) The term “auditor” means the auditor of the financial statements of the Department of Defense or the Auditor of the United States Government.

(2) The term “other audit ready” means that the auditor cannot issue an opinion, on the financial statements, means an opinion by the auditor of the financial statements that the financial statements are misleading and cannot be relied upon.

(3) The term “disclaimer of opinion”, with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements were not able to complete the audit work, and cannot issue an opinion, on the financial statements.

(4) The term “qualified opinion”, with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are reliably certain exceptions.


SA 683. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1009. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States military installations in Europe are potentially vulnerable to supply disruptions from foreign governments, especially the Government of the Russian Federation, which could use control of energy supplies in a hostile or weaponized manner.

(2) The Government of the Russian Federation has previously shown its willingness to aggressively use energy supplies as a weapon to pressure foreign nations, including Ukraine and Georgia.

(b) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and

(2) ensure that all United States military installations in Europe maintain prudent operations in the event of a supply disruption.

(c) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not every United States military installation in Europe—

(1) is dependent to the minimum extent practicable on energy sourced inside the Russian Federation; and

(2) has the ability to sustain operations during an energy supply disruption.

SA 684. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, between lines 2 and 3, insert the following:

Not later than 120 days after the date of enactment of this Act, begin an exposure assessment of no less than 8 current or former military installations known to have perfluorooctyl sulfonate contamination in drinking water, ground water, and any other sources of water and relevant
exposure vectors, and such assessment shall—
(A) include—
(1) a statistical sample at each installation,
which shall be determined by the Secretary of Health and Human Services;
(ii) blood testing and bio-monitoring for assessing such contamination;
(iii) to conduct surveys of individuals within 5 years of the date of enactment of this Act; and
(C) produce findings, which shall be—
(i) used to help design the study described in paragraph (1); and
(ii) released to the appropriate congressional committees not later than 1 year after the conclusion of such assessment;

SA 685. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1605, add the following:

(e) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 may be used for an action that is not permitted under the INF Treaty on the date of the enactment of this Act.

SA 686. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. REPORT ON SIGNIFICANT SECURITY VULNERABILITIES OF THE NATIONAL ELECTRIC GRID.

(a) REPORT REQUIRED.—Not later than 90 days after the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of Energy, submit to the congressional defense committees a report setting forth the following:

(1) Identification of the significant security vulnerabilities of the national electric grid that are attributable to significant malicious cyber-enabled activities;

(2) An assessment of the effect of the security vulnerabilities identified in paragraph (1) on the readiness of the United States Armed Forces;

(3) An assessment of the strategic benefits derived from, and the challenges associated with, the cyber infrastructure from the national electric grid and the use of microgrids by the Armed Forces;

(4) Recommendations on actions to be taken—
(A) to eliminate or mitigate the security vulnerabilities identified pursuant to paragraph (1); and

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:
(1) The term “security vulnerability” has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015;

(2) The term “significant malicious cyber-enabled activities” include—
(A) significant efforts—
(i) to deny access to or degrade, disrupt, or destroy an information and communications technology system or network; or
(ii) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—
(I) conducting influence operations; or

I. PROTECTION OF INDIVIDUALS ELIGIBLE FOR REGULAR AND REGULAR HELP AND ATTENDANCE.

(a) DEVELOPMENT AND IMPLEMENTATION OF STANDARDS.—
(1) IN GENERAL.—The Secretary of Veterans Affairs shall work with the heads of Federal agencies, States, and such experts as the Secretary considers appropriate to develop and implement Federal and State standards that protect individuals from dishonest, predatory, or otherwise unlawful practices that are available to such individuals under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance.

(b) CONDITIONAL RECOMMENDATION BY COMPTROLLER GENERAL.—If the Comptroller General determines that a Federal or State standard that is one year after the date of the enactment of this Act, the Comptroller General shall, in consultation with the Director of National Intelligence and the Secretary of Energy, submit to the congressional defense committees a report containing findings of the Comptroller General with respect to such study and recommendations made by the Comptroller General.

SEC. 2. APPROPRIATION.—For the purpose of making awards under this section, there are...
authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $422,000,000 for fiscal year 2017, to remain available until expended.

SA 692. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mr. PORTIS, Mr. MARKET, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to UH-60 Blackhawk M Model (MYP), strike the amount in the Senate Authorized column and insert ‘’1,265,308’’.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Army, strike the amount in the Senate Authorized column and insert ‘’5,364,068’’.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Air Force, strike the amount in the Senate Authorized column and insert ‘’873,000’’.

In the funding table in section 4101, in the second item relating to O/A-X Light Attack Fighter, strike the amount in the Senate Authorized column and insert ‘’873,000’’.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Air Force, strike the amount in the Senate Authorized column and insert ‘’20,243,286’’.

SA 693. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection F of title X, add the following:

SEC. 5. PAY FOR CERTAIN EMPLOYEES AND CONTRACTORS WORKING IN SENSITIVE SECURITY ENVIRONMENTS.

(a) FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

§5349A. Pay for prevailing rate employees working in sensitive security environments.

(1) DEFINITION OF COVERED EMPLOYEE.—In this subsection, the term ‘‘covered employee’’ means an employee who—

(A) is required to have a security clearance;

(B) performs duties involved in the activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection F of title X, add the following:

SEC. 6. SHARK FIN TRADE ELIMINATION.

(a) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystem value.

(2) Many shark populations are in peril worldwide and are on the decline.

(3) One of the greatest threats to sharks is the global trade in shark fins. It is estimated that fins from as many as 73,000,000 sharks end up in the global shark fin trade every year.

(4) Shark fins have no medicinal or nutritional value.

(5) The trade in shark fins is primarily focused on large coastal and pelagic species that grow slowly, mature late, and have low reproduction rates.

(6) Shark fins are often removed and retained while the remainder of a shark is discarded due to the high market value of shark fins relative to other parts of a shark.

(7) Shark fins are rare and are likely to be commercialized as a fungible commodity.

(8) Shark finning is the cruel practice in which the fins of a shark are cut off on board a fishing vessel at sea. The remainder of the animal is then thrown back into the water to drown, starve, or die a slow death.

(9) Although the United States has banned the practice of shark finning aboard vessels in waters controlled by the United States, there is no Federal ban on the removal and sale of shark fins once the fin has been brought aboard.

(10) Once a shark fin is detached from the body, it becomes impossible to determine whether the shark was legally caught or the fin was legally removed.

(11) It is difficult to determine which species of shark a fin was removed from, which is problematic because some species are threatened with extinction.

(12) The States of Texas, Delaware, Hawaii, Illinois, Massachusetts, Maryland, New York, Oregon, Rhode Island, California, and Washington and the Commonwealth of Puerto Rico, Guam, and the North Mariana Islands have implemented bans on the sale of shark fins.

(13) Shark fins possessed, transported, offered for sale, sold, or sold where in the United States are part of a large international market, having a substantial and direct effect on interstate commerce.

(14) Abolition of the shark fin trade in the United States will remove the United States from the global shark fin market and will put the United States in a stronger position to advocate internationally for abolishing the shark fin trade in other countries.

(b) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—In subsection (a), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTIES.—A violation of paragraph (1) shall be treated as an act prohibited by section 308(a) of that Act (16 U.S.C. 1858(a)), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under an act of Congress or a State law permitting to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

(1) destroyed or discarded upon separation;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law;

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research;

(4) retained by the license or permit holder for a noncommercial purpose.

(d) Deemed—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess,
transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;
(B) the impact to ocean ecosystems of continuing or terminating the exemption;
(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and
(D) the impact of the exemption on shark conservation.

(e) DEFINITION OF SHARK FIN.—In this section, the term "shark fin" means—

(1) the raw or dried or otherwise processed detached fin of a shark; or
(2) the raw or dried or otherwise processed detached tail of a shark.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or maintain any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SA 695. Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ... SHARK FIN TRADE ELIMINATION.

(a) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystem value.
(2) Many shark populations are in peril worldwide and are on the decline.
(3) One of the greatest threats to sharks is the global trade in shark fins. It is estimated that fins from as many as 73,000,000 sharks end up in the global shark fin trade every year.
(4) Shark fins have no medicinal or nutritional value.
(5) The trade in shark fins is primarily focused on large coastal and pelagic species that grow slowly, mature late, and have low reproduction rates.
(6) Shark fins are often removed and retained while the remainder of a shark is discarded due to the high market value of shark fins relative to other parts of a shark.
(7) Shark fins are removed primarily to be commercialized as a fungible commodity.

(b) PROHIBITION ON SALE OF SHARK FINS.—(1) PROHIBITION.—In subsection (c), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.
(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308(a) of that Act (16 U.S.C. 1858(a)), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to conduct noncommercial scientific research; or
(1) destroyed or discarded upon separation;
(2) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research; or
(4) retained by the license or permit holder for a noncommercial purpose.

(d) DOGFISH.—(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess, transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;
(B) the impact to ocean ecosystems of continuing or terminating the exemption;
(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and
(D) the impact of the exemption on shark conservation.

(d) DEFINITION OF SHARK FIN.—In this section, the term "shark fin" means—

(1) the raw or dried or otherwise processed detached fin of a shark; or
(2) the raw or dried or otherwise processed detached tail of a shark.

(e) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SA 696. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. ... INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF OTHER VETERANS WHO PERISHED ON JUNE 3, 1969.

(a) SENSE OF CONGRESS.—Congress acknowledges the courage, service, and sacrifice of the crew members of the U.S.S. Frank E. Evans, including the 74 crew members who perished on June 3, 1969.

(b) INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL.—Inclusion of the names of the 74 members of the crew of the U.S.S. Frank E. Evans who perished on June 3, 1969, on the Vietnam Veterans Memorial Wall of the names of the 74 sailors of the U.S.S. Frank E. Evans who perished on June 3, 1969.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following section:

SEC. ... PROHIBITION ON AVAILABILITY OF FUNDS FOR TERMINATION OF VETSWARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated under this Act is available for fiscal year 2018 for the Department of Defense may be obligated or expended to...
terminate the Vets4Warriors crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following section:

SEC. 801. PROHIBITION ON AVAILABILITY OF FUNDS FOR TERMINATION OF VETS4WARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to terminate the Vets4Warriors crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

SA 698. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. ITEMIZED LIST OF ITEMS ACQUIRED FROM FOREIGN ENTITIES THROUGH BUT AMERICAN WAIVERS.

Section 2 of title 31, United States Code, is amended by inserting “—including an itemized list of all articles, materials, and supplies acquired through such waivers,” after “this chapter”.

SA 699. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812.

SA 700. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. PILOT PROGRAM ON INTEGRATING INTO THE DEPARTMENT OF DEFENSE WORKFORCE INDIVIDUALS WITH CYBERSECURITY SKILLS WHOSE SERVICES ARE DONATED BY PRIVATE PERSONS.

(a) PILOT PROGRAM REQUIRED.—Not later than June 1, 2019, the Secretary of Defense shall commence carrying out a pilot program to assess the feasibility and advisability of piloting an integration of Department of Defense individuals who have skills relating to cybersecurity and whose services are donated to the Department of Defense by private persons.

(b) DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the pilot program during the period beginning on the date of the commencement of the pilot program and ending on June 1, 2024.

(2) EXTENSION.—At the end of the period set forth in paragraph (1), the Secretary may, as the Secretary considers appropriate, extend the period of the pilot program for such period as the Secretary considers appropriate, except that such extension shall be less than two years.

(c) LOCATION.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program at one or more facilities of the Federal Government or a nonprofit organization. Such facilities shall be selected by the Secretary to maximize the number of individuals participating in the pilot program consistent with subsection (d)(3).

(2) WORKSPACES FOR HANDLING CLASSIFIED MATERIAL.—The Secretary shall ensure that such facilities include, as the Secretary considers appropriate, workspaces for handling classified material.

(d) APPLICATION AND SELECTION.—

(1) APPLICATION.—An individual seeking to participate in the pilot program shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

(2) SELECTION.—The Secretary shall establish a competitive process for the selection of individuals to participate in the pilot program.

(3) PRIORITIES.—In selecting individuals to participate in the pilot program, the Secretary shall give priority to individuals who have not previously served as an employee or contractor of the Government and who possess technical expertise relating to the defense of information systems. In selecting individuals to participate in the pilot program, the Secretary shall also give priority to individuals who will facilitate integration of skilled experts from the private sector into the Federal Government cybersecurity workforce.

(4) MAXIMUM NUMBER OF PARTICIPANTS.—No more than 250 individuals may concurrently participate in the pilot program.

(e) FEDERAL COLLABORATION.—The Secretary shall detail employees of the Department to the facilities selected under subsection (c) to maximize productivity, collaboration, and exchange of knowledge.

(f) APPOINTMENTS.—

(1) AUTHORITIES.—In carrying out the pilot program, the Secretary may use any appropriate appointment authority, including the authorities for—

(A) public-private talent exchanges under section 1599g of title 10, United States Code; and

(B) an information technology exchange program under section 3702 of title 5, United States Code.

(2) APPOINTMENT.—An individual participating in the pilot program shall be deemed to include a for-profit organization, as used in such subchapter, to be eligible for a federal appointment under the provisions of title 5, United States Code, notwithstanding the numerical limitation provided in that section; and

(g) SECURITY CLEARANCES.—The Secretary may issue an expedited security clearance to individuals who participate in the pilot program, consistent with counterintelligence best practices.

(1) AVOIDANCE OF DUPLICATION.—In carrying out the pilot program, the Secretary of Defense shall coordinate with the Defense Digital Service, the Defense Innovation Unit Experimental, and such other elements of the United States Government as the Secretary determines to minimize duplication of effort and facilities.

(j) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than June 1, 2023, the Secretary shall submit to the congressional defense committees a preliminary report describing the results of the pilot program, recommending how the pilot program could be improved, and providing a recommendation on whether the pilot program should be made permanent.

(2) FINAL REPORT.—Not later than January 1, 2025, the Secretary shall submit to the congressional defense committees a final report describing the results of the pilot program, recommending how the pilot program could be improved, and providing a recommendation on whether the pilot program should be made permanent.

SA 701. Ms. HARRIS (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for the military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 153. EXCLUSION OF MEMBERS OF THE NATIONAL GUARD PERFORMING FEDERAL HONORS FROM COUNTING FOR ACTIVE-DUTY END STRENGTH LEVELS.

(a) IN GENERAL.—Subsection (i) of section 115 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(14) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out funeral honors activities under section 115 of title 32,”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section, the workforce striking “through (8)” and inserting “through (14)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2017, and shall apply with respect to National Guard members ordered to active duty on the public service performing funeral honors before, on, or after that date.
SA 702. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for the activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVII—ONLINE SAFETY**

SEC. 1701. SHORT TITLE

This title may be cited as the “Online Safety Modernization Act of 2017”.

Subtitle A— Interstate Sextortion Prevention

SEC. 1711. COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

**CHAPTER 124—COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS**

(1) OFFENSE.—It shall be unlawful to cause a sexual act with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

§ 2752. Coercion of sexual acts

(a) IN GENERAL.—

(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 10 years, or both.

§ 2753. Coercion of sexual contact

(a) IN GENERAL.—

(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, knowingly cause any individual to engage in sexual contact with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

§ 2754. Coerced production of sexually intimate visual depictions

(a) IN GENERAL.—

(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any individual to engage in sexual contact with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

§ 2755. Coercion of sexual acts

(a) IN GENERAL.—

(1) OFFENSE.—It shall be unlawful to cause a sexual act with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 10 years, or both.

§ 2756. Coerced production of sexually intimate visual depictions

(a) IN GENERAL.—

(1) OFFENSE.—It shall be unlawful, in a circumstance described in subsection (c), knowingly cause any person to produce a sexually intimate visual depiction of any individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 20 years, or both.

(3) CIRCUMSTANCES DESCRIBED.—The circumstances described in this subsection are that—

(A) the person uses the mail or any facility or means of interstate or foreign commerce to cause any person to produce the sexually intimate visual depiction described in subsection (a)(1);

(B) the person knows or has reason to know that the sexually intimate visual depiction described in subsection (a)(1) will be—
(A) transported or transmitted using any means or facility of interstate or foreign commerce, including by computer; 
(B) transported or transmitted in or affecting interstate or foreign commerce; or 
(C) mailed; 
(3) the sexually intimate visual depiction described in subsection (a)(1) is produced or transmitted using a material that has been— 
(A) transported or transmitted using any means or facility of interstate or foreign commerce, including by computer; 
(B) transported or transmitted in or affecting interstate or foreign commerce; or 
(C) mailed; 
(4) the sexually intimate visual depiction described in subsection (a)(1) is produced or transmitted using a material that has been— 
(A) transported or transmitted using any means or facility of interstate or foreign commerce; 
(B) transported or transmitted in or affecting interstate or foreign commerce; or 
(C) mailed; or 
(G) any part of the offense occurs— 
(A) in a territory or possession of the United States; or 
(B) within the special maritime and territorial jurisdiction of the United States.

(1) OFFENSE.—It shall be unlawful, with the intent to cause a person to produce a sexually intimate visual depiction of any individual, or knowingly transmit a communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

(e) OFFENSES INVOLVING MINORS.—Notwithstanding any other provision of law, in any case involving the production or transmission of any child pornography, the term 'person' means a conviction for an offense involving a victim under the age of 18 in which the sexually intimate visual depiction constitutes child pornography, as defined in section 2256(8), the offender shall be punished as provided in section 2256(e).

§ 2756. Extortion using sexually intimate visual depictions

(a) Definition.—In this section, the term ‘sexually intimate visual depiction’ includes any computer-generated sexually intimate visual depiction of an individual that is indistinguishable from an actual depiction of the individual.

(b) General Prohibition.—

(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly extort any money, property, or other thing of value from another person by transmitting a communication containing a threat to publish any sexually intimate visual depiction of— 
(A) the addressee; or 
(B) an immediate family member or intimate partner of the addressee.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 7 years, or both.

(c) Threats.—

(1) OFFENSE.—It shall be unlawful, with the intent to extort any money, property, or other thing of value from any person, to knowingly transmit a communication containing a threat to publish any sexually intimate visual depiction of the addressee or of an immediate family member or intimate partner of the addressee, using the mail or any facility or means of interstate or foreign commerce.

(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

§ 2757. Offenses involving minors

(a) OFFENSES INVOLVING MINORS UNDER 18.—If conduct that violates this chapter involves a victim under the age of 18 in which the sexually intimate visual depiction constitutes child pornography, as defined in section 2256(8), the offender shall be punished as provided in section 2256(e).

(b) OFFENSES INVOLVING MINORS UNDER 12.—If conduct that violates this chapter involves a victim under the age of 12 in which the sexually intimate visual depiction constitutes child pornography, as defined in section 2256(8), the offender shall be punished as provided in section 2256(e).

§ 2758. Offenses resulting in death or serious bodily injury

(a) OFFENSES RESULTING IN DEATH.—A person who commits a violation of this chapter that results in the death of any individual shall be fined under this title, imprisoned for not more than 20 years, or both.

(b) OFFENSES RESULTING IN SERIOUS BODILY INJURY.—A person who commits a violation of this chapter that results in serious bodily injury to any individual shall be fined under this title, imprisoned for not more than 20 years, or both.

§ 2759. Attempt

(a) IN GENERAL.—An attempt to violate section 2252(a)(1), 2253(a)(1), 2254(b)(1), 2255(b)(1), or 2256(a)(1) shall constitute an attempted violation of section 2752(a)(1), 2753(a)(1), 2754(b)(1), or 2756(b)(1), respectively.

(b) LIMITATION.—For the purposes of section 2252, 2253, 2254, 2255, and 2256, conduct consisting exclusively of a violation of 2752(b)(1), 2753(b)(1), 2754(b)(1), 2755(c)(1), or 2756(c)(1) shall not constitute an attempted violation of section 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), or 2756(b)(1), respectively.
“(A) medical services relating to physical, psychiatric, or psychological care;"  
"(B) physical and occupational therapy or rehabilitation;"  
"(C) emergency transportation, temporary housing, and child care expenses;"  
"(D) lost income;"  
"(E) attorney’s fees, in addition to any costs incurred in obtaining a civil protection order; and"  
"(F) any other losses suffered by the victim as a proximate result of the offense.

"(2) An order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court in accordance with paragraph (3).

"(3) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3663A in the same manner as an order under section 3663A.

(4) ORDER MANDATORY.—  
"(A) IN GENERAL.—The issuance of a restitution order under this section is mandatory.

"(B) CONSIDERATION OF OTHER CIRCUMSTANCES PROHIBITED.—A court may not decline to issue an order under this section because of—  
"(i) the economic circumstances of the defendant; or  
"(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

"(c) TRANSFER OF CRIME VICTIM’S RIGHTS.—In the case of a victim who is a minor, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, may assume the rights of the victim in this chapter. The defendant may not assume those rights.

8 § 2763. Civil action

"(a) IN GENERAL.—An individual who is a victim of an offense under this chapter may—  
"(1) bring a civil action against the person who committed the offense (or any person who knowingly benefits, financially or by receiving something of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States; and  
"(2) recover damages and any other appropriate relief, including reasonable attorney’s fees.

"(b) JOINT AND SEVERAL LIABILITY.—A person who is found liable in an action under this section shall be jointly and severally liable with each other person, if any, who is found liable in an action under this section for damages arising from the same violation of this chapter.

"(c) STAY PENDING CRIMINAL ACTION.—Any action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

"(d) STATUTE OF LIMITATIONS.—An action under this section may not be commenced later than 10 years after the later of—  
"(1) the date on which a legal disability ends; or  
"(2) the later of—  
"(A) the date on which the plaintiff discovers the information that forms the basis for the claim; or  
"(B) the date on which the plaintiff discovers the injury that forms the basis for the claim.

"(e) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by adding at the end the following:  
"(B) in paragraph (2), by inserting “section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),” after “under this chapter,”; and  
"in subsection (e), by inserting “section 2752(a)(1) (if the victim is a minor), section 2753(a)(1) (if the victim is a minor), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)), and if the victim is a minor,” after “section 1991,”; and  
"in section 2350(a) of title 18, United States Code, is amended—  
"(1) by striking “or” after “2422,”; and  
"(2) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),” after “2422,”.

"(e) Section 3142(1)(A) of title 18, United States Code, is amended—  
"(1) by striking “or” after “chapter 110,”; and  
"(2) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))” after “2423,”.

"(f) Section 3137(c) of title 18, United States Code, is amended—  
"(1) in subsection (c), in the flush text following subparagraph (B)—  
"(A) by striking “or” after “2423,”; and  
"(B) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))” after “2423,”.

"(g) Section 3137(c) of title 18, United States Code, is amended—  
"(1) in subsection (c), in the flush text following subparagraph (B)—  
"(A) by striking “or” after “2423,”; and  
"(B) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))” after “2423,”.

"(h) Section 3137(c) of title 18, United States Code, is amended—  
"(1) in subsection (c), in the flush text following subparagraph (B)—  
"(A) by striking “or” after “2423,”; and  
"(B) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A)), after “2425,”.

"(i) Section 3137(c) of title 18, United States Code, is amended—  
"(1) in subsection (c), in the flush text following subparagraph (B)—  
"(A) by striking “or” after “2423,”; and  
"(B) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A)), after “2423,”.

"(j) Section 3137(c) of title 18, United States Code, is amended—  
"(1) in subsection (c), in the flush text following subparagraph (B)—  
"(A) by striking “or” after “2423,”; and  
"(B) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A)), after “2423,”.

"(k) Section 3137(c) of title 18, United States Code, is amended—  
"(1) in subsection (c), in the flush text following subparagraph (B)—  
"(A) by striking “or” after “2423,”; and  
"(B) by inserting “section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A)), after “2423,”.
(2) by striking “In determining” and inserting the following:

“(B) CONSIDERATIONS.—In determining”.

(p) Section 3558 of title 18, United States Code, is amended—

(1) in subsection (c)(2)(F)(i), by inserting “coerced sexual act (as described in sections 2752(a)(1) and 2754(b)(2)(A));” after “sexual abuse’’ as described in sections 22H and 2232;” and

(2) in subsection (e)(2)(A)—

(A) by striking “2232(b)” relating to coercion and enticement of a minor into prostitution;” and

(B) by inserting “, or 2752(a)(1) or 2754(b)(1) (if punishment section 2754(b)(2)(A) (relating to coercion of sexual acts)” after “2423(a)” (relating to transportation of minors)’’.

(q) Section 3583(k) of title 18, United States Code, is amended—

(1) by striking “or” after “2422,”;

(2) by inserting “, 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))’’ after “2425;”

(3) by striking “section 1201 or” and inserting “section 1201, and”;

(4) by inserting “, or inserting “2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))’’ after “1991,” the second place that the word “1991” appears in the United States Code. (r) Section 2(1) of the PROTECT our Children Act of 2008 (42 U.S.C. 17601(1)) is amended by striking “and” and inserting “and”.

Subtitle B—Interstate Swatting Hoax

SEC. 1721. FALSE COMMUNICATIONS TO CAUSE AN EMERGENCY RESPONSE.

(a) In General.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

§ 1041. False communications to cause an emergency response.

“(a) DEFINITIONS.—In this section:

“(1) CRIMINAL ACT.—The term ‘criminal action’ includes an investigation and prosecution that is pending, until final adjudication in the trial court.

“(2) EMERGENCY RESPONSE.—The term ‘emergency response’ means any deployment of personnel or equipment, order or advice to evacuate, or issuance of a warning to the public or a threatened person, organization, or establishment, by—

(A) an agency of the United States, a State, or, or a local government, charged with public safety functions, including any agency charged with detecting, preventing, or investigating crimes or with fire or rescue functions; or

(B) a private not-for-profit organization that provides fire or rescue service.

“(3) STATE.—The term ‘State’ means each of the several States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federal-recognized Indian tribe.

“(b) CRIMINAL VIOLATION.—

“(1) OFFENSE.—It shall be unlawful, in the absence of circumstances reasonably requiring an emergency response, to use the mail or any facility or means of interstate or foreign commerce to knowingly transmit false or misleading information that would reasonably be expected to cause an emergency response.

“(2) PENALTY.—Any person who violates paragraph (1)—

“(A) if an emergency response results, be fined under this title, imprisoned for not more than 5 years, or both; or

“(B) if death results, be fined under this title, imprisoned for any term of years or for life, or both; and

“(D) in any other case, be fined under this title, imprisoned for not more than 1 year, or both.

“(c) CRIMINAL ACTION.—

“(1) IN GENERAL.—Any person aggrieved by a violation of subsection (b)(1) may—

“(A) bring a civil action against the person who committed the violation in an appropriate district court of the United States; and

“(B) recover damages and any other appropriate relief, including reasonable attorney’s fees.

“(2) JOINT AND SEVERAL LIABILITY.—A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

“(3) STAY PENDING CRIMINAL ACTION.—Any civil action filed under this subsection shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

“(d) REIMBURSEMENT.—

“(1) IN GENERAL.—The court, in imposing a sentence on a defendant convicted of an offense under subsection (b), shall order the defendant to reimburse any agency or organization described in subsection (a)(2) that incurred expenses for an emergency response necessitated by the offense.

“(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

“(3) CIVIL JUDGMENT.—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.

“(4) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“4712. False communications to cause an emergency response.”

Title C—Interstate Doxing Prevention

SEC. 1731. DISCLOSURE OF PERSONAL INFORMATION WITH THE INTENT TO CAUSE HARM.

(a) In General.—Chapter 41 of title 18, United States Code, is amended by adding at the end the following:

§ 881. Publication of personally identifiable information with the intent to cause harm.

“(a) DEFINITIONS.—In this section:

“(1) CRIMINAL ACT.—The term ‘criminal activity’ means any Federal or State criminal offense.

“(2) CRIMINAL ACT.—The term ‘criminal activity’ includes an investigation and prosecution that is pending, until final adjudication in the trial court.

“(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term ‘personally identifiable information’ means any information that is linked or linkable to an individual, such as medical, financial, education, consumer, or employment information, data, or records; or any sensitive private information that is linked or linkable to an individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction.

“(4) PUBLISH.—The term ‘publish’ means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person.

“(5) SEXUALLY INTIMATE VISUAL DEPICTION.—The term ‘sexually intimate visual depiction’ means any photograph, film, video, or other recording or live transmission of an individual, whether produced by electronic, mechanical, or other means (including depictions stored on undeloped film and videotape, data stored on computer disk or by any electronic means that is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format), that depicts—

(A) the naked exhibition of the anus, the post-pubescent female nipple, the genitals, or the pubic area of any individual; or

(B) any actual or simulated sexual contact or sexual act (as defined in section 2751);

“(c) ATTEMPT.—An attempt to violate subsection (b)(1) shall be punishable in the same manner as a completed violation of that subsection.

“(e) ACTIVITIES OF LAW ENFORCEMENT.—This section shall not be construed to prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.

“(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 title 18, United States Code, is amended by adding at the end the following:

“881. Publication of personally identifiable information with the intent to cause harm.”

SA 703. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for
reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF THE SENATE THAT FEDERAL HEALTH PROGRAMS MUST PROTECT WOMEN’S ACCESS TO HEALTH CARE.

It is the sense of the Senate that Federal health care programs must protect women’s access to quality, affordable health care at the provider of their choice and that Congress should not restrict or prohibit Federal funding for out-of-pocket health centers or other high quality family planning providers. Further, it is the sense of the Senate that States should not take any action pursuant to any provision of this Act that would allow for discrimination against a provider based on the provision of constitutionally protected reproductive health care.

SA 704. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTING INDIVIDUALS FROM LOSING THEIR HEALTH COVERAGES.

Nothing in this Act (or an amendment made by this Act) shall be implemented in any manner that could result in the loss of health care coverage for people with Diabetics.

SA 705. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTING INDIVIDUALS FROM LOSING THEIR HEALTH COVERAGES.

Nothing in this Act (or an amendment made by this Act) shall be implemented in any manner that could result in the loss of health care coverage for pregnant women.

SA 706. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM HIGHER HEALTH INSURANCE PREMIUMS.

Nothing in this Act (or the amendments made by this Act) shall take effect if any part of the Act (or amendments) has the effect of increasing health insurance premiums for people with Diabetics.

SA 707. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTING INDIVIDUALS FROM HIGHER HEALTH INSURANCE PREMIUMS.

Nothing in this Act (or the amendments made by this Act) shall take effect if any part of the Act (or amendments) has the effect of increasing health insurance premiums for pregnant women.

SA 708. Mr. COCHRAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. EXPANDING THE DUTIES OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.

Section 133(a) of title 10, United States Code, is amended by striking—

[(1) in paragraph (2), by striking ‘‘; and’’ and inserting a semicolon; and
]

[(2) in paragraph (3), by striking the period at the end and inserting ‘‘; and’’; and]

[(3) by adding at the end the following new paragraph—]

‘‘(4) providing the Secretary with recommendations relating to unfunded requirements on matters, activities, and programs described in paragraph (2), including military construction projects.’’.

SA 709. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SENSE OF CONGRESS ON FIRE PROTECTION IN DEPARTMENT OF DEFENSE FACILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) A 2009 Consumer Product Safety Commission study found a full 370,000 residential fires are suppressed by portable fire extinguishers annually.

(2) Throughout the United States, of the 48,460 fires in buildings equipped with sprinklers from 2007 to 2011, 40,440, or 83 percent, never grew large enough to activate sprinklers, indicating many fires are successfully suppressed by portable fire extinguishers.

(3) Section 9-1-1 of the Unified Facilities Criteria 3-600-01 changes the Department of Defense building code by stating, ‘‘General purpose portable fire extinguishers are not required when the facility is provided with complete automatic sprinkler protection and a fire alarm system in accordance with this UFC.’’

(4) This new language is a departure from national model fire codes, and is also a significant change from the last Unified Criteria governing portable extinguishers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) portable fire extinguishers are essential to the safety of members of the Armed Forces and their families;

(2) the current Unified Facilities Criteria provides members of the Armed Forces, their families, and other Department of Defense personnel with less fire protection than that provided by civilian counterparts by deviating from fire safety codes used across the country and not requiring portable extinguishers on military installations;

(3) United Facilities Criteria 3-600-01, Section 4-9, dated September 26, 2006, clearly keeps Department of Defense Facilities in line with the national and international standards for fire safety; and

(4) the Secretary of Defense should amend current Unified Facilities Criteria Section 9-1-1 to reflect the standards established by United Facilities Criteria 3-600-01, Section 4-9, dated September 26, 2006.

SA 710. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EVOLVED EXPENDABLE LAUNCH VEHICLE MODERNIZATION AND SUSTAINMENT OF ASSURED ACCESS TO SPACE.

(a) DEVELOPMENT.—Using funds described in paragraph (2), the Secretary of Defense may only obligate or expend funds to carry out the evolved expendable launch vehicles program (EELV) to:

(A) develop a domestic rocket propulsion system to replace non-allied space launch engines;

(B) develop the necessary interfaces to, or integration of, such domestic rocket propulsion system with an existing or new launch vehicle; and

(C) develop capabilities necessary to enable new or existing commercially available space launch vehicles or infrastructure to meet any requirement that are unique to national security space missions to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to:

(i) modifications to such vehicles required for national security space missions, including—

(1) certification and compliance of such vehicles for use in national security space missions;

(2) fairings necessary for the launch of national security space payloads to orbit; and

(III) other upgrades to meet performance, reliability, and orbital requirements that cannot otherwise be met through the use of existing launch vehicles; and

(ii) the development of infrastructure necessary for national security space missions, such as infrastructure for the use of heavy launch vehicles, including—

(I) facilities and equipment for the vertical integration of payloads;

(II) security facilities for the processing of classified payloads; and

(III) other facilities and equipment, including ground systems and expanded capabilities unique to national security space launches and the launch of national security payloads;

(B) conduct activities to modernize and improve existing launch vehicles, or existing launch vehicles previously contracted for use by the Air Force, including

...
restarting a dormant supply chain, and infrastructure to increase the cost effectiveness of the launch system; (E) certify new, modified, or existing launch vehicles and engines; and (F) develop, design, and integrate parts for new launch vehicle systems necessary for national security use.

(2) DATED REPORT.—The funds described in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Air Force, for the evolved expendable launch vehicle program.

(b) OTHER AUTHORITIES.—Nothing in this section shall affect or prohibit the Secretary from procuring launch services of evolved expendable launch vehicle systems, including with respect to any associated operation and maintenance of capabilities and infrastructure relating to such systems.

(c) NOTIFICATION.—Not later than 30 days after any date on which the Secretary publishes a draft or final request for proposals, or obligates funds, for the development under subsection (a)(1), the Secretary shall notify the congressional defense committees of such proposal or proposed obligation, as the case may be. If such proposed draft or final request for proposal or proposed obligation relates to intelligence requirements, the Secretary shall also notify the Permanent Select Committee on Intelligence of the Senate of the House of Representatives, and the Select Committee on Intelligence of the Senate.

(d) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of Cost Assessment and Program Evaluation, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an assessment of the most cost-effective method to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to each of the following periods:

(1) The five-year period beginning on the date of the report.
(2) The 10-year period beginning on the date of the report.
(3) The period consisting of the full lifecycle of the evolved expendable launch vehicle program.

(e) ROCKET PROPULSION SYSTEM DEFINED.—In this section, the term ‘‘rocket propulsion system’’ means, with respect to the development authorized by subsection (a)(1), a main booster, first-stage rocket engine (including such an engine using kerosene or methane-based or other propellant) or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

SA 711. Mr. PORTMAN submitted an amendment intended to be proposed by him at 4:30 p.m., May 24, 2010, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1243 through 1250 and insert the following:

SEC. 1243. EXTENSION OF UKRAINE SECURITY ASSISTANCE PROGRAM FOR FISCAL YEAR 2018.

(a) EXTENSION.—Subsection (b) of section 1250 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 114–92; 2012 Stat. 1608), as amended by section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 2012 Stat. 2345), is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and by moving such subparagraphs, as so redesignated, two ems to the right;
(2) by striking ‘‘From amounts’’ and inserting the following:

‘‘(1) In general. From amounts;’’
(3) in paragraph (1), as redesignated by paragraph (2), by adding at the end the following new subparagraph: 

‘‘(C) For fiscal year 2018, $500,000,000;’’
(4) by adding at the end the following:

‘‘(2) Availability of amounts. Amounts made available pursuant to paragraph (1) for the purposes of subsection (a) shall remain available until expended.’’

SEC. 1245. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR RESILIENCY AND DETERRENCE AGAINST AGGRESSION.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct or support a joint program of the Baltic nations to improve their resiliency against and build their capacity to deter aggression by the Russian Federation.

(b) JOINT PROGRAM.—For purposes of subsection (a), a joint program of the Baltic nations may be either of the following:

(1) a program jointly agreed by the Baltic nations that builds interoperability among the countries; or
(2) an agreement for the joint procurement by the Baltic nations of defense articles or services using assistance provided pursuant to subsection (a).

(c) PARTICIPATION OF OTHER COUNTRIES.—Any country other than a Baltic nation may participate in the joint program described in subsection (a), but only using funds of such country.

(d) LIMITATION ON AMOUNT.—The total amount of assistance provided pursuant to subsection (a) in fiscal year 2018 may not exceed $100,000,000.

(e) FUNDING.—Amounts for assistance provided pursuant to subsection (a) may be derived from funds authorized to be appropriated by this Act and available for the European Deterrence Initiative (EDI).

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1246(b) of the Calf Levin and Howard F. ‘‘Buck’’ McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3556), as most recently amended by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2490), is further amended—

(1) by redesigning paragraphs (14) through (20) as paragraphs (15) through (21), respectively; and
(2) by inserting after paragraph (13) the following new paragraph (14):

‘‘(14) An assessment of Russia’s hybrid warfare strategy and capabilities, including—

(A) Russia’s information warfare strategy and capabilities, including the use of misinformation, disinformation, and propaganda in social and traditional media;’’

(3) in subsection (b), by striking ‘‘disinformation parenting the Russian Federation, during the preceding year to knowingly disseminate Russian Federation–supported disinformation and propaganda, through social media applications or related Internet–based means, to members of the Russian military, or to persons acting as agents of or on behalf of the Russian Federation’’ and inserting ‘‘disinformation parenting the Russian Federation, during the preceding year to knowingly disseminate Russian Federation–supported disinformation and propaganda, through social media applications or related Internet–based means, to members of the Russian military, or to persons acting as agents of or on behalf of the Russian Federation’’

SEC. 1247. ANNUAL REPORT ON ATTEMPTS OF THE RUSSIAN FEDERATION TO PROVIDE DISINFORMATION AND PROPAGANDA TO MEMBERS OF THE ARMED FORCES BY SOCIAL MEDIA.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on attempts by the Russian Federation, or any foreign person acting as an agent of or on behalf of the Russian Federation, during the preceding year to knowingly disseminate Russian Federation–supported disinformation and propaganda, through social media applications or related Internet–based means, to members of the Russian military, or to persons acting as agents of or on behalf of the Russian Federation.
the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(a) FINDINGS.—Congress makes the following findings:

(1) Military exercises, such as Exercise Nitry Nugget and Exercise Reforger during the Cold War, have historically made important contributions to testing operational concepts, technologies, and leadership approaches; identifying limiting factors in the execution of operational plans and appropriate alternative action; and bolstering deterrence against adversaries by demonstrating United States military capabilities.

(2) Military exercises with North Atlantic Treaty Organization (NATO) allies enhance the interoperability and strategic credibility of the alliance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to enhance the European Deterrence Initiative and bolster deterrence against Russian aggression, the United States, together with North Atlantic Treaty Organization allies and other European partners, will increase its resolve and ability to meet its commitments under Article V of the North Atlantic Treaty through appropriate military exercises with an emphasis on participation of United States forces based in the continental United States and testing strategic and operational logistics and transportation capabilities.

(2) The Secretary of Defense, for military construction, military activities of the Department of Defense in order to ensure continued and planned funding to address long-term stability in Europe, reassure the European allies and partners of the United States, and deter Russian aggression.

SEC. 1250. ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 128 Stat. 1068), as amended by section 1237(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 115–232; 130 Stat. 1905), is further amended by adding at the end the following paragraphs:

(1) The Secretary of Defense shall establish a task force to:

(a) Train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand and sustain institutional and logistical capabilities, and strengthen combat effectiveness across the spectrum of security environments;

(b) Enhance the indications and warning, interoperability, and strategic credibility of the military forces of the United States and partner nations, including development of military forces that can participate in the European Deterrence Initiative.

(2) The plan shall include appropriate metrics for use in the evaluation of the implementation of the plan.

SEC. 1251. ESTABLISHMENT OF CROSS-FUNCTIONAL TASK FORCE.

(a) INTEGRATION OF DEPARTMENT OF DEFENSE INFORMATION OPERATIONS WITH CYBER-ENABLED INFORMATION OPERATIONS.

(1) The plan shall include the following:

(1) The availability of qualified local workforces.

(2) Potential best practices of private sector companies involved in cyberspace and of other international and cyberspace-related academic programs.

(3) The potential for Total Force Integration throughout the defense cyber community.

(4) Recruitment strategies to attract individuals with critical cyber training and skills to join the reserve components.

(b) DUTIES.—The task force shall carry out the following:

(i) Development of a cross-functional task force consistent with section 911(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) to integrate the organizations of the Department of Defense responsible for information operations, military deception, public affairs, electronic warfare, and cyber operations to produce integrated strategy, planning, and long-term guidance for the conduct of such coordinated operations.

(ii) Development and dissemination of a common operating paradigm across the organizations specified in subparagraph (A) of the influence, deception, and propaganda activities of key malign actors, including in cyberspace.

(iii) Development of guidance for, and promotion of, the liaison capability of the Department to interact with the private sector, including social media, as it relates to the influence activities of malign actors.

(iv) Serve as the primary Department of Defense liaison with the Global Engagement Center and other relevant Federal entities in carrying out the purpose set forth in section 1207(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note).

(b) HEAD OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall appoint as the head of the task force such individual as the Secretary considers appropriate from among individuals serving
in the Department as an Under Secretary of Defense or in such other position within the Department of lesser order of precedence.

(2) RESPONSIBILITIES.—The responsibilities of the head of the task force are as follows:

(i) Oversight of strategic policy and guidance.

(ii) Overall resource allocation for the integration of information operations and cyber operations of the Department.

(iii) Ensuring the task force faithfully pursues the purpose set forth in subparagraph (A) and performs the duties as set forth in subparagraph (B) of such paragraph.

(iv) Carrying out such activities as are required of the head of the task force under subsections (b) and (c).


(b) REQUIREMENTS AND PLANS FOR INFORMATION OPERATIONS.—

(1) COMBATANT COMMAND PLANNING AND REGIONAL STRATEGY.—(A) The Secretary shall require each commander of a combatant command to develop, in coordination with the relevant Assistant Secretary of State or Assistant Secretaries of State and with the assistance of the Coordinator of the Global Engagement Center and the head of the Global Engagement Center, a regional information strategy and interagency coordination plan for carrying out the strategy, where applicable.

(B) The Secretary shall provide each commander of a combatant command to develop such requirements and specific plans as may be necessary for the conduct of information operations in support of the strategy required in subparagraph (A), including plans for deterring information operations, particularly in the cyber domain, by malign actors against the United States, allies of the United States, and interests of the United States.

(2) IMPLEMENTATION PLAN FOR DEPARTMENT STRATEGY FOR OPERATIONS IN THE INFORMATION ENVIRONMENT.—

(A) IN GENERAL.—Not later than 90 days after the enactment of this Act, the head of the task force shall—

(i) review the Department of Defense Strategy for Operations in the Information Environment for 2016;

(ii) submit to the congressional defense committees a plan for implementation of such strategy.

(B) REQUIREMENTS.—The implementation plan shall include, at a minimum, the following:

(i) An accounting of the efforts undertaken in support of the strategy described in subparagraph (A)(i) since it was issued in January 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was issued, as well as a description of any expected updates or changes in light of the establishment of the task force.

(iii) A description of the role of the Department as part of a broader whole-of-government strategy for strategic communications, including assumptions about the roles and contributions of other Government departments and agencies in such a strategy.

(iv) Defined actions, performance metrics, and projected timelines to achieve the following specified tasks:

(A) Carrying out a planning and prepare commanders and their staffs, and the Joint Force as a whole, to lead, manage, and conduct operations in the information environment.

(B) Train, educate, and prepare information operations professionals and practitioners to enable effective operations in the information environment.

(C) Manage information operations professionals, practitioners, and organizations that meet the goals of the information environment.

(D) Develop and maintain the capability to assess accurately the effect of operations in the information environment.

(E) Develop and maintain the capability to assess accurately the effect of operations in the information environment.

(F) Adopt, adapt, and develop new science and technology for the Department to enable effective operations in the information environment.

(G) Develop and adapt information environment-related concepts, policies, and guidance.

(H) Ensure doctrine relevant to operations in the information environment remains current and responsive based on lessons learned and best practices.

(I) Develop, update, and de-conflict authorities and responsibilities, including the Global Engagement Center, of the Department to conduct information operations in support of the national security strategy.

(J) Develop and adapt information environment-related concepts, policies, and guidance.

(K) Adopt, adapt, and develop new science and technology for the Department to enable effective operations in the information environment.

(L) Establish and maintain partnerships and cyber incident response capabilities and capacities, to enable more effective whole-of-government operations in the information environment.

(M) Establish and maintain appropriate interaction with entities that are not part of the Federal Government, including entities in industry, entities in academia, federally funded research and development centers, and other organizations, to enable operations in the information environment.

(N) Establish and maintain collaboration between and among the Department and international partners, including partner countries and nongovernmental organizations, to enable more effective whole-of-government operations in the information environment.

(O) Foster, enhance, and leverage partnerships and capabilities.

(P) Analysis of any personnel, resourcing, capability, authority, or other gaps that will need to be addressed to ensure effective implementation of the strategy described in subparagraph (A), including gaps that are for residential or professional use, personally owned vehicles, which are items that are for residential or professional use, are not for commercial resale, and are owned by a private individual who is—

(i) an employee, as that term is defined in section 2105 of title 5, United States Code, who is shipping the goods and personal effects, including a spouse or a dependent, as that term is defined in section 101 of title 37, United States Code, who is shipping the goods and personal effects as part of a permanent change of station or a dependent, as that term is defined in section 8901 of such title, of such employee; or

(ii) a member of a uniformed service, as that term is defined in section 101 of title 37, United States Code, who is shipping the goods and personal effects as part of a permanent change of station or a dependent, as that term is defined in section 8901 of such title, of such member.

(Q) The shipment consists of used household goods of members of the uniformed forces and federal employees.

Section 431(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(2)) is amended—

(A) by adding at the end the following new subparagraphs:

(B) in subparagraph (A), by striking ‘‘or’’ at the end; and

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

(S) the head of the task force shall establish programs to provide training and education to such members of the Armed Forces and civilian employees of the Department of Defense or in such other position within the Department of lesser order of precedence and the Secretary considers appropriate to understand the role of information in warfare, the central goal of all military operations, and the context, perceptions, views, and decisionmaking of adversaries, and the effective management and conduct of operations in the information environment.

(d) ESTABLISHMENT OF DEFENSE INTELLIGENCE OFFICER FOR INFORMATION OPERATIONS AND CYBER OPERATIONS.—The Secretary of Defense shall establish a Defense Intelligence Officer for Information Operations and Cyber Operations.

(e) DEFINITIONS.—In this section:

(1) The term ‘‘head of the task force’’ means the head appointed under subsection (a)(2)(A).

(2) The term ‘‘implementation plan’’ means the plan required by subsection (b)(2)(A)(i).
for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:  

At the appropriate place, add the following:

SEC. 2. MODERNIZATION OF GOVERNMENT INFORMATION TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Technology Modernization Board established under subsection (c)(2)(A).

(2) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given the term by the National Institute of Standards and Technology in NIST Special Publication 800–145 and any amending or superseding document thereto.

(3) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Technology Transformation Service of the General Services Administration.

(4) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(5) FUND.—The term "Fund" means the Technology Modernization Fund established under subsection (c)(2)(A).

(6) INFORMATION TECHNOLOGY SYSTEMS MODERNIZATION AND WORKING CAPITAL FUNDS.—The term "information technology system modernization and working capital fund established under subsection (c)(2)(A)" means the technology in NIST Special Publication 800–145 and any amending or superseding document thereto.

(b) INFORMATION TECHNOLOGY SYSTEM MODERNIZATION AND WORKING CAPITAL FUND.—The term "IT working capital fund" means an information technology system modernization and working capital fund established under subsection (c)(2)(A).

(c) EMBRACE TECHNOLOGY.—The term "technology" means information technology or services provided through the Fund for technology-related activities, to include modernization, procurement of information technology or services, and cybersecurity activities, consistent with the requirements of the agencies and in accordance with this subtitle.

(d) AUTHORIZATION OF APPROPRIATIONS; CREDITS; AVAILABILITY OF FUNDS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $250,000,000 for each of fiscal years 2018 and 2019.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to any funds otherwise appropriated, the Fund shall be credited with all reimbursements, advances, or refunds or recoveries relating to information technology or services provided through the Fund.

(e) AUTHORIZATION OF APPROPRIATIONS.—Amounts deposited, credited, or otherwise made available to the Fund shall be available, as provided in appropriations Acts, until expended for the purposes described in subparagraph (C).

(f) EMERSEMENT.—

(1) PAYMENT BY AGENCY.—For a product or service developed under subparagraph (C)(ii), including any services or work performed in support of that development under subparagraph (C)(iii), the head of an agency that uses the product or service shall pay an amount fixed by the Commissioner in accordance with this subsection.

(2) EMERSEMENT BY AGENCY.—

(i) IN GENERAL.—The head of an agency shall reimburse the Fund for any transfer under subparagraph (C)(i), including any services or work performed in support of the transfer under subparagraph (C)(iii), in accordance with the terms established in a written agreement described in subparagraph (F).

(3) EMERSEMENT FROM SUBSEQUENT APPROPRIATIONS.—Notwithstanding any other provision of law, an agency may make a reimbursement required under subclause (I) from any appropriation made available after the date of enactment of this Act for information technology procurement or development, and submit to the Commissioner an obligation under a written agreement described in subparagraph (E) in a fiscal year after the
date of enactment of this Act shall be recorded in the fiscal year in which the payment is due.

(iii) PRICES FIXED BY COMMISSIONER.—

(1) In general.—The Commissioner, in consultation with the Director, shall establish amounts to be paid by an agency under this subparagraph and the terms of repayment for a product or service developed under subparagraph (C)(i), including any services or work performed in support of that development under subparagraph (C)(ii), at levels sufficient to ensure the solvency of the Fund, including operating expenses.

(ii) Review and Approval.—Before making any established amounts and terms of repayment, the Commissioner shall conduct a review and obtain approval from the Director.

(iv) Failure to Make Timely Reimbursement.—The Commissioner may obtain reimbursement from an agency under this subparagraph by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized bills, if payment is not made by the agency—

(I) during the 90-day period beginning after the expiration of the repayment period described in a written agreement described in subparagraph (F); or

(II) during the 45-day period beginning after the expiration of the time period to make a payment under a payment schedule for a product or service developed under subparagraph (C)(i).

(F) Written Agreement.—

(i) in General.—Before the transfer of funds to an agency under subparagraph (C)(i), the Commissioner, in consultation with the Director, and the head of the agency shall enter into a written agreement—

(I) documenting the purpose for which the funds are to be used; and

(II) which shall be recorded as an obligation as provided in subparagraph (E)(ii).

(ii) Requirement for Use of Commercial Products and Services and Rapid, Iterative Development Practices.—

(I) in General.—For any funds transferred to an agency under subparagraph (C)(i), in the absence of compelling circumstances of the need to develop a custom information technology solution, a strong business case, technical design, procurement strategy (including adequate use of rapid, iterative software development practices), and program management, the Commissioner, in consultation with the Director, may detail, on a reimbursable or nonreimbursable basis, any services provided by the Administrator of General Services under this paragraph and the terms of repayment, the Commissioner shall support the activities of the Board and provide technical support to, and, with the concurrence of the Director, oversight of, agencies that receive transfers from the Fund.

(iii) Responsibilities.—The responsibilities of the Commissioner are—

(I) to provide direct technical support in the selection of personnel and services and, otherwise, to agencies transferred funds and, in accordance with the terms of a written agreement described in paragraph (2)(C)(ii), for products, services, and acquisition vehicles funded under paragraph (2)(C)(iii); and

(ii) to assist the Board with the evaluation, prioritization, and development of agency modernization proposals.

(iv) Failure to Make Timely Reimbursement.—If the Commissioner fails to perform regular project oversight and monitoring of approved agency modernization projects, in consultation with the Board and the Director, to increase the likelihood of successful implementation and reduce waste; and

(v) to provide the Director with information necessary to meet the requirements of paragraph (2)(G).

(G) Sunset.—This subsection shall cease to have force or effect on the date that is 2 years after the date on which the Comptroller General of the United States issues the third report required under paragraph (2)(G)(ii).

SA 716. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the current year’s budget resolution for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. PROTECTING ACCESS TO PREVENTIVE SERVICES.

Any provision of this bill that would eliminate or reduce access to affordable preventive services that are currently offered without copayment or cost-sharing under the Patient Protection and Affordable Care Act, including blood pressure screening, colorectal cancer screening, breast cancer screening, cervical cancer screening and domestic and interpersonal violence screening and counseling, shall be null and void and of no effect.

SA 717. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2610, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to establish personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

SEC. 719. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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Subtitle B—Iraq and Syria Genocide Relief and Accountability

This subtitle may be cited as the "Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017".

SEC. 1291. FINDINGS. Congress finds the following:

(1) On March 17, 2016, Secretary of State John Kerry stated, "in my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yazidis, Christians, and Shia Muslims . . . the United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable".

(2) Secretary of State Kerry stated in the "Atrocities Prevention Report", transmitted to Congress on March 17, 2016, "The Department of State has a longstanding commitment to providing support for the urgent humanitarian, refugee, and assistance needs of the Syrian people, and to providing support for the urgent humanitarian, refugee, and assistance needs of the Syrian people, and has been providing assistance to internally displaced families of Yazidis, Muslims, and Christians, including food, resettlement from tents to permanent housing, and rent for Yazidis, medical care and education for Yazidis and Muslims through clinics and schools, and a university that are open to all, and some form of these types of assistance to all of the estimated 10,500 internally displaced Christian families, more than 70,000 people, in the greater Erbil region.

(3) The Chaldean Catholic Archdiocese of Erbil (Iraq) is an example of an entity that has not received funding from any government and has been providing assistance to internally displaced families of Yazidis, Muslims, and Christians, including food, resettlement from tents to permanent housing, and rent for Yazidis, medical care and education for Yazidis and Muslims through clinics and schools, and a university that promote peace and reconciliation.

(4) In fiscal year 2015, the United States Government provided support to non-governmental organizations headquartered in the United States, or an organization or entity that received funding support from the United States Government, to related to someone who is, or was, so employed;

(5) religious minorities in Iran;

(6) members of other groups designated by the United States Government, including—

(a) former political prisoners, and members of persecuted religious minorities, human rights activists, and forced labor conscripts in Cuba;

(b) persons in Iran and Turkey;

(c) missionaries Program, the United States Government;

(d) U.S.-based or an organization or entity that received funding support from the United States Government, or are related to someone who is, or was, so employed;

(e) persons in Iran and Turkey;

(f) the United States Government, or are related to someone who is, or was, so employed;

(g) the United States Government, or are related to someone who is, or was, so employed;

(h) the United States Government, or are related to someone who is, or was, so employed;

(i) the United States Government, or are related to someone who is, or was, so employed;

(j) the United States Government, or are related to someone who is, or was, so employed;

(k) the United States Government, or are related to someone who is, or was, so employed;

(l) the United States Government, or are related to someone who is, or was, so employed;

(m) the United States Government, or are related to someone who is, or was, so employed;

(n) the United States Government, or are related to someone who is, or was, so employed;

(o) the United States Government, or are related to someone who is, or was, so employed;

(p) the United States Government, or are related to someone who is, or was, so employed;

(q) the United States Government, or are related to someone who is, or was, so employed;

(r) the United States Government, or are related to someone who is, or was, so employed;

(s) the United States Government, or are related to someone who is, or was, so employed;

(t) the United States Government, or are related to someone who is, or was, so employed;

(u) the United States Government, or are related to someone who is, or was, so employed;

(v) the United States Government, or are related to someone who is, or was, so employed;

(w) the United States Government, or are related to someone who is, or was, so employed;

(x) the United States Government, or are related to someone who is, or was, so employed;

(y) the United States Government, or are related to someone who is, or was, so employed;

(z) the United States Government, or are related to someone who is, or was, so employed;
(C) admitted 1,682 Syrian refugees in fiscal year 2015, including at least 30 Christians; and

(D) admitted 12,587 Syrian refugees in fiscal year 2016, including at least 64 Christians and 24 Yazidis.

SEC. 1293. DEFINITIONS.
In this subtitle:
(a) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—
(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on the Judiciary of the Senate;
(C) the Committee on Homeland Security and Governmental Affairs of the Senate;
(D) the Committee on Foreign Affairs of the House of Representatives;
(E) the Committee on the Judiciary of the House of Representatives; and
(F) the Committee on Homeland Security of the House of Representatives.

(b) ACTIONS FOR FOREIGN GOVERNMENTS.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries—
(1) to include information in appropriate security databases and security screening procedures of such countries to identify individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014 or in Syria since March 2011, including individuals who are suspected to be members of foreign terrorist organizations operating within Iraq or Syria; and
(2) to prosecute individuals described in paragraph (1) for genocide, crimes against humanity, or war crimes, as appropriate.

(c) REVIEW OF CERTAIN CRIMINAL STATUTES.—The Attorney General, in consultation with the Secretary of State, shall conduct a review of existing criminal statutes concerning genocide, crimes against humanity, and war crimes to determine—
(1) the extent to which United States courts are currently authorized by statute to exercise jurisdiction over such crimes where the direct perpetrators, accomplices, or victims are present in the territory of the United States, or to prosecute such crimes where the victims are present in the territory of the United States; and
(2) whether the statutes currently in effect that would apply to conducting war crimes or crimes against humanity, including—
(A) whether such statutes provide for extraterritorial jurisdiction;
(B) the statute of limitations for offenses under such statutes;
(C) the applicable penalties under such statutes; and
(D) whether offenders would be subject to extradition or mutual legal assistance treaties.

(d) CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, entities described in paragraph (a)(2).

(e) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate amount of the additional amount made available under the heading “Economic Support Fund” in title II of division B of the Further Continuing and Emergency Supplemental Appropriations Act, 2017 (Public Law 114-254) should be made available to carry out subsection (a).

SEC. 1295. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

(a) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, the Ambassador at Large for International Religious Freedom, the Special Advisor for Religious Minorities in the Near East and South-Central Asia, the Assistant Secretary for Population, Refugees, and Migration, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall identify—
(1) the threats of persecution and other warning signs of genocide, crimes against humanity, and war crimes against individuals—
(A) who—
(i) are or were nationals and residents of Iraq or Syria; and
(ii) are members of a religious or ethnic group that is a minority religious or ethnic group in Iraq or in Syria against which the Secretary of State has determined the Islamic State of Iraq and Syria (ISIS) has committed genocide, crimes against humanity, or war crimes in Iraq or in Syria since January 2014; or
(B) who are members of another religious or ethnic group that is a minority religious or ethnic group in Iraq or Syria that has been identified by the Secretary of State (or the Secretary’s designee) as a persecuted group;
(2) the humanitarian, stabilization, and recovery needs of individuals described in paragraph (1);
(3) the minority religious and ethnic groups in Iraq and in Syria—
(A) against which the Secretary of State has determined ISIS has committed genocide, crimes against humanity, or war crimes in Iraq or in Syria since January 2014; or
(B) that the Secretary of State (or the Secretary’s designee) has identified as a persecuted group at risk of forced migration, within or across the borders of Iraq, Syria, or a country of first asylum, and the primary reasons for such risk;
(4) the assistance provided by the United States to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3), including assistance to mitigate the risks of forced migration of such persons and groups from Iraq or from Syria;
(5) the mechanisms used by the United States Government to identify, assess, and respond to humanitarian, stabilization, and recovery needs, and risks of forced migration, of individuals described in paragraph (1) and groups described in paragraph (3); and
(6) the assistance provided by or through the United Nations, including the Funding Facility for Immediate Stabilization and the Funding Facility for Resilience, to address humanitarian, stabilization, and recovery needs, and risks of forced migration, of individuals described in paragraph (1) and groups described in paragraph (3);
(b) U.S. ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Defense, the Special Advisor for Religious Minorities in the Near East and South-Central Asia, the Assistant Secretary for Population, Refugees, and Migration, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall—
(1) respond to humanitarian, stabilization, and recovery needs of individuals described in such paragraph, the sources of such funding; and
(9) If the United States Government is not funding entities described in paragraph (7) for purposes of providing assistance described in such paragraph, a justification for not funding entities, including entities then funding such entities is prohibited under United States law.

(b) ADDITIONAL CONSULTATION.—In carrying out subsections (a)(3)(A) and (c) of section 212(a)(3)(B)(vi) of such Act, the Secretary of State shall consult with, and consider credible information from, entities described in subsection (a)(3)(B)(vi) of such Act (8 U.S.C. 1182(a)(3)(B)(vi)) before the enactment of this Act.

(c) ASSISTANCE.—The Secretary of State and Administrator of the United States Agency for International Development shall provide assistance, including cash assistance, to support entities described in subsection (a)(7) that the Secretary and the Administrator determine are effectively providing assistance described in subsection (a)(7), including entities that received funding from the United States Government for such purposes before the date of the enactment of this Act.

(d) SENSOR OF CONGRESS.—It is the sense of Congress that an appropriate amount of the additional funds made available under the heading “Economic Support Fund” in title II of division B of the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-281) should be made available to carry out subsection (c).

SEC. 1296. REFUGEE ADMISSIONS OF NATIONALS AND RESIDENTS OF IRAQ OR OF SYRIA.

(a) IN GENERAL.—Aliens who are, or were, a national and a resident of Iraq or of Syria, and who share common characteristics that identify them as targets of persecution on account of membership in a religious or ethnic minority in that country, particularly survivors of crimes against humanity, or war crimes, or the surviving spouse or child of an individual who was killed by a perpetrator of such a crime—

(1) are deemed to be of special humanitarian concern to the United States; and

(2) shall be eligible for Priority 2 processing under the refugee resettlement priority system.

(b) IN-COUNTRY AND OUT-OF-COUNTRY PROCESSING.—Aliens described in subsection (a) shall be allowed to apply, and interview, for admission to the United States through the refugee resettlement or the former refugee resettlement priority systems.

(c) HIGH PRIORITY.—The Secretary of Homeland Security shall be responsible for establishing and managing high-priority mechanisms in countries where aliens may apply, and interview, for admission to the United States as refugees.

(d) AGENCY OF ORIGIN.-—Aliens who qualify under this section for Priority 2 processing under the refugee resettlement priority system may only be admitted to the United States after—

(1) satisfying the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(2) undergoing a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(e) CERTAIN GROUNDS OF INADMISSIBILITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may waive, in such Secretary’s sole and unreviewable discretion, the application of subparagraph (B) of section 212(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)) with respect to an alien described in paragraph (1) or (2) of subsection (a) in the course of avoiding or evading persecution by a terrorist organization (as defined in section 212(a)(3)(B)(vi) of such Act (8 U.S.C. 1182(a)(3)(B)(vi)) if such alien has the meaning given the terms in section 599(b)(2) of such Act (8 U.S.C. 1259(b)(2)) for purposes of providing assistance described in subsection (a)(7), including entities that received funding from the United States Government for such purposes before the date of the enactment of this Act.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to lessen the protections under United States law for bona fide refugees who are not described in this section.

SEC. 1297. REPORTS.

(a) SUPPORT FOR THE INVESTIGATION AND PROSECUTION OF WAR CRIMES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, by the Secretary of State to implement subsections (a) and (b) of section 1294; and

(2) an assessment of—

(A) the feasibility and advisability of prosecuting individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014, or in Syria since March 2011, in domestic courts, or the capacity to bring such a case within the terms of the International Criminal Court; and

(B) the capacity building, and other measures, needed to ensure effective criminal investigations of such individuals.

(b) CRIMINAL INVESTIGATION.—Not later than 120 days after the date of the enactment of this Act, the Attorney General shall submit a report to the appropriate congressional committees that includes—

(1) the results of the review conducted under section 1296(c); and

(2) such recommendations for legislative and administrative actions to implement the results of such review as the Attorney General determines appropriate.

(c) ASSISTANCE FOR PERSECUTED MINORITIES IN IRAQ OR IN SYRIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the appropriate congressional committees that includes—

(1) the efforts taken, and proposed to be taken, by the Secretary of the Treasury to implement section 1295(a); and

(2) the matters identified under section 1295(a); and

(d) SUPPORT FOR STATE AND INDIAN HEALTH PROGRAMS TO ADDRESS THE SUBSTANCE USE DISORDER PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $1,000,000,000 for each of fiscal years 2018 and 2019, to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) to award grants to States and Indian health programs to address the substance use disorder public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities, to identify effective strategies to prevent substance use disorder.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance use disorder, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State or Indian health program determines appropriate, related to addressing the substance use disorder public health crisis or responding to urgent mental health needs within the State or community served by the Indian health program.

(c) INDIAN HEALTH PROGRAM.—Not less than 10 percent of the amounts appropriated under subsection (a) shall be awarded to Indian health programs.

(d) DEFINITIONS.—In this section, the terms “Indian health program” and “Indian tribe” have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SA 722. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017, which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. SUPPORT FOR STATE AND INDIAN HEALTH PROGRAM RESPONSE TO SUBSTANCE USE DISORDER PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $1,000,000,000 for each of fiscal years 2018 and 2019, to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) to award grants to States and Indian health programs to address the substance use disorder public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities, to identify effective strategies to prevent substance use disorder.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance use disorder, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State or Indian health program determines appropriate, related to addressing the substance use disorder public health crisis or responding to urgent mental health needs within the State or community served by the Indian health program.

(c) INDIAN HEALTH PROGRAM.—Not less than 10 percent of the amounts appropriated under subsection (a) shall be awarded to Indian health programs.

(d) DEFINITIONS.—In this section, the terms “Indian health program” and “Indian tribe” have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SA 723. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
On page 190 between lines 22 and 23, insert the following:

(a) A mechanism (to be known as “Clean Energy-Ready Vets”) to provide workforce training opportunities for members of the Armed Forces who are transitioning out of service in the Armed Forces and other members of the Armed Forces participating in the pilot program to transition to jobs in the energy industry, including in the cyberspace and grid security, natural gas, wind, solar, and geothermal fields. In carrying out the mechanism, the Secretary of Defense shall—

(A) the Secretary of Veterans Affairs to consider opportunities to—

(i) streamline the approval of appropriate workforce training programs for which members participating in the pilot program and following their transition to civilian lives may use veterans educational assistance; and

(ii) enhance distance learning in connection with such workforce training using such assistance;

(B) enhance the process, in coordination with the Secretary of Education, by which members of the Armed Forces participating in the pilot program who serve or have served in system administrator positions, information technology positions, and other relevant cybersecurity duties and positions in the Armed Forces may transition to civilian careers in electric grid security;

(C) consider opportunities for the use of veterans educational assistance for on-the-job working training activities under the pilot program that are conducted outside the military installation concerned; and

(D) ensure that members of the Armed Forces are provided information at appropriate times and locations regarding eligibility to participate in similar energy and grid security workforce training programs, including through the Transition Assistance Program (TAP) of the Department of Defense.

SA 724. Mr. BENNET submitted an amendment intended to be proposed by him in the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. CLEAN ENERGY-READY VETS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy referred to in this section as the “Secretary” shall establish a program, to be known as the “Clean Energy-Ready Vets Program”, to support and enhance training opportunities for members of the Armed Forces who are transitioning out of service in the Armed Forces for jobs in the energy industry, including jobs relating to—

(1) electric grid security;

(2) energy transmission and distribution infrastructure; and

(3) solar, wind, geothermal, and natural gas energy.

(b) SKILLBRIDGE PROGRAM.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in partnership with the Secretary of Defense, shall establish the Clean Energy-Ready Vets Program through the SkillBridge program of the Department of Energy at not fewer than 20 facilities of the Department of Defense, under which the Secretary shall—

(A) in partnership with junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))), nonprofit organizations, and the clean energy industry, train members of the Armed Forces participating in the pilot program to transition to service in the Armed Forces for jobs described in subsection (a); and

(B) facilitate partnerships between junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))) and potential employers to place members of the Armed Forces described in paragraph (A) in jobs in the energy industry.

(2) MODIFICATION.—Notwithstanding any other provision of law, the Secretary of Defense shall modify the SkillBridge program to provide that 20 percent of the amount of Federal training assistance available under the SkillBridge program for the Clean Energy-Ready Vets Program at each facility of the Department of Defense may be used for on-the-job training activities conducted outside of a facility of the Department of Defense pursuant to the Clean Energy-Ready Vets Program.

(c) ADMINISTRATION.—

(1) SECRETARY.—In carrying out the Clean Energy-Ready Vets Program, the Secretary shall collaborate with the Secretary of Defense, the Secretary of Labor, and the Secretary of Veterans Affairs to increase opportunities for members of veterans to secure jobs in the energy industry.

(2) SECRETARY OF DEFENSE.—The Secretary of Defense shall—

(A) on the recommendation of the Secretary of the Army, establish a program of education relating to electric grid security;

(B) on the recommendation of the Secretary of the Army, establish a program of education relating to electric grid security; and

(C) on the recommendation of the Secretary of the Army, establish a program of education relating to electric grid security.

(d) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Secretary to carry out the Clean Energy-Ready Vets Program for each of the fiscal years 2018 through 2023.

(e) EXCEPTION FOR INDEPENDENT STUDY PROGRAMS RELATING TO ENERGY AND GRID SECURITY.—In carrying out certain limitations on use of educational assistance from Department of Veterans Affairs.—Section 3806(a)(i)(II) of title 38, United States Code, is amended by striking “except” and all that follows through the period and inserting the following:

“except the following:

(A) an accredited independent study program (including open circuit television) leading to—

(i) a standard college degree; or

(ii) a certificate that reflects education attainment offered by an institution of higher learning;

(B) an independent study program in the field of energy or grid security.

(1) APPROPRIATION.—In carrying out the Department of Veterans Educational Assistance of Programs of Education Relating to Electric Grid Security.
the area east of the Military Mission Line in the Gulf of Mexico.

(b) ELEMENTS.—The report required under subsection (a) shall address the following matters:

(1) The frequency and impact of test events, exercises, and military operations conducted in the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico from 2006 to the time of the report.

(2) The frequency and impact of test events, exercises, and military operations conducted annually from 2006 to the time of the report in the ranges and operating in planning for the active and active Contiguous oil and gas leases currently exist.

(3) Comparable testing and training areas within the United States and its territories that can replicate the capabilities of the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico.

(4) Comparable testing and training areas outside the United States which are available for United States military testing and training activities that can replicate the capabilities of the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico.

(5) The extent to which the services will be able to meet training and test requirements necessary to support operational plans should the moratorium on oil and gas leasing, pre-leasing, or any related activity east of the Military Mission Line in the Gulf of Mexico not be extended.

(6) The extent to which the services will be able to meet their training and test requirements, with specific stipulations similar to those in the Gulf of Mexico Central Planning Area, while incorporating potential Department of the Interior priorities east of the Military Mission Line in the Gulf of Mexico.

(c) FREQUENCY.—For purposes of paragraphs (1) and (2) of subsection (b)—

(1) frequency shall be measured in duration as calendar days when test events, exercises, and military operations occur; and

(2) impact shall be measured in areas (as defined by longitude and latitude in degrees, minutes, and seconds) where restrictions or stipulations are imposed for test events, exercises, and military operations.

SA 727. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the reconciliation on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.

(a) INTERNAL REVENUE CODE.—Section 9831 of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

"(l) A plan required to be proposed by the Secretary of the Treasury under this section for any taxable year shall be deemed to be proposed by the Secretary of the Treasury if such plan satisfies the requirements of paragraph (1)."

(b) PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR MILITARY DEPARTMENT SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2016 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the Department of the Air Force, or a similar such corps in any other military department.

SA 731. Mr. NELSON (for himself, Mr. CORNYN, Mr. WARNER, Mr. TILLIS, and Mr. MARKET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense functions of the Department of Energy, to prescribe military personnel strengths for fiscal year 2018, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR MILITARY DEPARTMENT SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2018 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the Department of the Air Force, or a similar such corps in any other military department.

SEC. 2. SENSE OF THE SENATE REGARDING SUBSTANCE USE DISORDERS.

It is the Sense of the Senate that:

(1) The Committees of jurisdiction of the Senate shall review issues related to substance use disorders, particularly related to opioids, including Federal efforts to prevent the development of, improve access to treatment, and increase recovery for people with opioid and other substance use disorders.

(2) Subsection (a) be waived because it increases health care costs, limits patient choices, imposes requirements and obligations on States and individuals, and precludes States from increasing competition, State flexibility, and individual choice; and

(b) The Joint Committee on Taxation has identified significant and widespread tax increases on individuals earning less than $200,000.

(c) Medicaid costs have continued to spiral year after year leading to a detrimental impact on State budgets, which constrains States’ choices with respect to health care.

(d) Obamacare should be replaced with patient-centered legislation that:

(A) provides access to quality, affordable private health care coverage for Americans and their families by increasing competition, State flexibility, and individual choice; and

(B) strengthens the Medicaid program by focusing on the most needy individuals and empowering States through increased flexibility to best meet the needs of their population.

SEC. 3. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR MILITARY DEPARTMENT SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2018 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the Department of the Air Force, or a similar such corps in any other military department.

SEC. 4. SENSE OF THE SENATE REGARDING SUBSTANCE USE DISORDERS.

It is the Sense of the Senate that:

(1) The Committees of jurisdiction of the Senate shall review issues related to substance use disorders, particularly related to opioids, including Federal efforts to prevent the development of, improve access to treatment, and increase recovery for people with opioid and other substance use disorders.

(2) Obamacare should be replaced with patient-centered legislation that:

(A) provides access to quality, affordable private health care coverage for Americans and their families by increasing competition, State flexibility, and individual choice; and

(B) strengthens the Medicaid program by focusing on the most needy individuals and empowering States through increased flexibility to best meet the needs of their population.

SEC. 5. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR MILITARY DEPARTMENT SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2018 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the Department of the Air Force, or a similar such corps in any other military department.
for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 349. PREVENTING ENCROACHMENT BY ACTIVITIES NOT COMPATIBLE WITH MILITARY OPERATIONS ON DEPARTMENT OF ENERGY TRAINING RANGES.

Section 2409(b)(2)(E) of title 38, United States Code, is amended by striking "June 30, 2022" and inserting "June 30, 2027."
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBIN CREAR

MARIA E. ROMANLOZADA
SARA M. RUSH
KABIN M. RUTHERFORD
EDNA J. SMITH
VIVIAN L. TAYLOR
PATRICIA J. WADFORD
DANIEL R. WALTERS
DARIN J. WARD
ABHELLA M. WASHINGTON
SUSAN M. WEDDLE
BRIDGET C. WOLFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SCOTT T. FRAZIER
JEFFREY P. GRIMES
CHRISTOPHER R. HARRIS
LEON E. HOOTEN IV
DAVID G. PARKER
STEPHEN A. ROGERS
NEIL P. WOODS

ERIC W. BULLOCK
CRYSTAL R. ROMAY