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 re- sentment 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 plummeting choices. They deserve better than the job-killing regulations, crushing mandates, and 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.
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 for United 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 no one yields 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, lower costs, and coverage for 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 have a market-based approach, which called for every State having their own exchange, where people without coverage could get healthcare 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 fourth 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.

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. I say that. I say that. 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 DEAN nor Senator MEYER nor Senator LEDOUX nor Senator GRASSLEY nor Senator MURkowski nor Senator BINGaman nor Senator Risch, didn’t think it was an idea from the Heritage Foundation. It is probably hereyes, 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 the Affordable Care Act. You would be misled 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, the two 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, 19 percent. Think about that. I have friends who 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 through 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. The 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 weeks. We do have so much to do. It costs much, much more to stay in the hospital. It is hugely expensive. Eventually, people will 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 access to healthcare in this country. It may not be just on paying 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, and with a much bigger focus on prevention and wellness and frankly a focus on, for example, making sure 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 it 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 have the idea how old your parents are? 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, and a number of years ago my dad. I said: Didn’t she get the colon screening—the colorectal screening and all?
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 very good reasons, and so we have that people 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, and people to get those 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 as a Naval flight offi- cer. I am cut out of missions in support 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 checkup, 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 and 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 I was born. We had people—my sister and I—living 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 them. It has 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—there were three states in the country now. One thing that came out of the 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 to talk to each other. Not only deliver healthcare better—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 further 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 am troubled and said she said she was too. She had been watching too much C-SPAN. 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, that 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 together. I was the House of Representatives together, and 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. No, the Affordable Care Act 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 colleagues 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. We should look around the world at things that work, at how we have 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, they will hear from 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 rises and will not is Republicans—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, deal with 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 apart, 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 that?

I am proud of much of what we do in this country with respect to healthcare; in many ways, we are on the right track but as I said, insofar as something 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.

As I mentioned last night, Democrats will offer no further motions or amendments to this skinny bill. We have been through a bipartisan way to do that. The majority leader is thinking while he sleeps at night. He is always thinking. My guess is, he is thinking about making this country better and is working 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. Whatever happens, we have been 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 modify 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, I hope it doesn’t, but if it does—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 this: the reason the skinny bill is 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 bill is different from the one we asked to be scored, the score will be pretty much the same.

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 16 million more Americans to lose 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.

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. Governor Sandoval and Kasich and a few other Republican Governors were on that letter.

Now, the argument from the Republican leadership is for Republicans to vote for this bill because they made a campaign promise to repeal and replace the Affordable Care Act. Yet I ask my Republican friends: Did you...
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 of people? 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 is what would not be a terrible mistake.

If the Republicans pass such a devasting 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, 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 need to take responsibility.

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 it up. They had to 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 procesoce?

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 Tennessee 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, 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 be telling people who are on the exchange 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 of legislating.

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 for it.

My Republican friends should listen to their wonderful speech. If you cannot get repeal and replace, no, the Republicans not only promised to repeal but also promised the American people that we will sit down and work 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 for it.

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. But you do not support just to get it to conference. You could support. 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 that 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 unseemly 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 madepending 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 or 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 things 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 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 (Mr. SUOLOVI): The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection to vitiating the quorum call? Without objection, it is so ordered. NDAA

Mr. SCHUMER. 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 to Senator McConnell from 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, etc. etc.

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 to come to the floor and women in the military is transcendent. I understand the frustration of the Senator from New York. I was here when, with 60 votes, the bill was rammed through by my Republican colleagues without a single amendment. I understand his frustration.

What the majority leader and I are asking for is just that tomorrow we take up the NDAA bill. We can get it done in a few hours. We can send it to conference, take care of the equipment, training, all of the things the men and women who are serving in the military need.

By the way, I understand the emotion on the other side. I felt the same emotion on this side some years ago, and I haven’t forgotten it yet. So I would hope—and I know the Senator from New York has to go back to his 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 sides 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’s desk 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 health care.

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. We discussed 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 right thing to do.

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 Nation’s Capitol and the Authorization Act. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

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 interior “Minutes” 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 replace and repeal 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 I’ve voted twice on the Senate floor, to 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 involved, 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 common sense 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 repealing 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 the Affordable Care Act 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 conference committee with 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 some answer 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 and parts that 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 find it impossible to get health 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 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 this year, and 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.

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 we are 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 find disagreement. We support or vote against every Congress, year in and year out. Some are memorable, and some are not.

One of the most memorable choices of my career in public service was voting for the Affordable Care Act—a bill that, while imperfect, I knew would literally save thousands of lives and help millions of Americans afford the health insurance they need. In the months and years since, I have heard countless stories from Michiganans whose lives were changed for the better as a result of this law.

A few weeks ago, I shared the story of a fellow Michiganan named Stefanie. Stefanie is from Livonia and worked her entire adult life in the retail and restaurant industry. Stefanie had never been offered health coverage by her previous employers but was able to purchase a plan because of the Affordable Care Act.

In December 2015, Stefanie’s third-floor apartment caught fire, and an unthinkable choice was forced on her: Stay and die in the fire, or leap from a third-floor window in order to save her...
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 second 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 different 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 time, 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 millions and thousands 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 one-tenth of a percent of the federal budget is the amount of funding in terms of treating heroin and opioid addiction.

If you make massive cuts to Medicaid, the impact in States like Vermont, Kentucky, West Virginia—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 a champion of working families; he was going to make it easier for working families to make ends meet. My Republican friends, 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, 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 gave that up. They reaffirmed 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 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 healthcare 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 do you think your Republican colleagues may think that is a good idea. That is not what the American people believe. The latest poll that I saw, the USA Today poll, had 12 percent of the American people thinking that was a good idea. I can only believe those 12 percent had not really looked at this issue. There is massive opposition from Republicans, Democrats, and Independents to this absurd Republican proposal.

This is 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 healthcare 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 Nurses Association, 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 administrators, 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 don’t even have a base bill to amend? This is, I suspect—I hope I am wrong. As Senator DAINES has seen it, the American people want us to deal with the legislation the Republicans will 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.

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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 way to look at this: if you look 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—think about this: if they didn’t have one hearing in order to discuss why we spend twice as much per capita on healthcare and why we pay the highest prices in the world for prescription drugs.

You know why we haven’t had any hearings on that, fellow Americans? Because it might get the insurance companies a little bit nervous. Insurance companies pour hundreds of millions of dollars in campaign contributions and lobbying efforts. The pharmaceutical industry spends a huge amount of money on campaign contributions and lobbying efforts.

I say to my colleagues in the Senate, maybe, just maybe we might want to stand for working people and the middle class rather than for the owners of the insurance companies and the pharmaceutical industry.

It is interesting. One never knows what the President is really thinking. Every given day there is another adventure out there, but a couple of months ago, the President met with, I believe, 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 instance—he is not right very often—but I will make 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 in the world, Australia, it turns out, has one of the most efficient.

President Trump was right. In 2014, Australia’s healthcare system ranked sixth out of 55 countries in efficiency. 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 $1,500 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 healthcare, and pay less than we do for many health services, they have better health outcomes. In 2014, the average life expectancy in Australia was 82.4 years compared to 78.8 years in the United States. They live longer in Australia. For context, according to a 2014 report from the World Health Organization, Australian men have the third longest life expectancy and Australian women have the seventh longest life expectancy in 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 question we have to ask ourselves—and I hope Senator Daines will address that question as he introduces his Medicare-for-all bill—is how does it happen that in Canada, every man, woman, and child is guaranteed healthcare? The same is true in the UK, in Germany, France, Australia, Japan, and every other major country on Earth. How does it happen that every industrialized country under- rations for insurance. It requires an administrative process. The question we have to ask ourselves—is how does it happen that in Canada, every man, woman, and child is guaranteed healthcare? The same is true in the UK, in Germany, France, Australia, Japan, and every other major country on Earth? How does it happen that the United States? How is it today we have 28 million without any health insurance—more who have high deductibles and high copayments, who are underinsured—and the response of our Republican friends is to say: Twenty-eight million uninsured? That is not enough. Let’s throw another 22 million people off health insurance. Our response should be to move forward and guarantee healthcare to all people, not throw another 22 million people off of health insurance. I don’t have the time to go into great detail as to why our wasteful and bureaucratic healthcare system ends up spending almost twice as much per capita as systems around the world. That is a subject for a lot of discussion, and I intend to play an active role in that discussion. I just want to give two examples: because we have such a bureaucratic and complicated system; because hospitals in America have to deal with this person who has a $5,000 deductible, that person who has an $8,000 deductible; this person who has this, that person has that—they have to deal with dozens and dozens of different configurations for insurance. It requires an enormous amount of time, energy, and manpower to deal with those myriad of insurance companies. The result of that is this: that is this decade, far more on hospital administrative costs than most other countries. These costs accounted for one-quarter of total U.S. 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 insurance companies, what I would hope is, all of us would agree that when we spend a dollar on healthcare, we want that dollar to go to doctors, to nurses, to medicine. We want that dollar to go to the provision of healthcare, not not to profiteering, not to dividends, not to outlandish CEO insurance company salaries but to the actual provision of healthcare which keeps us well. Yet we do that worse than any other major country on Earth.

The large health insurance and drug companies are making hundreds of billions of dollars in profits every single year, and they are rewarding their executives with outrageous compensation packages. Once again, 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 58 health insurance 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. Compare that to the average CEO made $14.5 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, in my mind, is to provide quality care to all in a cost-effective way, not to make CEOs of insurance companies even richer than they are today.

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 this: this is an outrage, it speaks to everything that should be discussed but which is not being discussed in the Republican bill—is that
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 prescription is written, 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, maybe even worse, 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 and $47 in France. It is the same drug. This is a healthcare reform debate. I have yet to hear one Republican raise that issue, or talk about how they think 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 and on. That is why millions of people, by the way, are now paying 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 in Washington, DC.

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 tell you 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 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 $131 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. Why? Why? Why? Why? Their 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? An antibiotic C drug that only 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 believe in 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 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 kind of yacht, and I would urge all Americans to go on the internet, find out where the yacht stores are—whenever they sell yachts—and go out there and say: Hey, I got the freedom to buy this $90 million yacht. What kind of freedom is that? 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 you buy that home.

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 to, 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, they 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 don’t 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 is right to do this debate—and I hope I have the opportunity—or in the very near future, 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 as a 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 up today to honor a Kansas hero 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 week celebrated his 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 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 Honor Flight from Kansas or across the country, and he is such a role model for so many.

Again, I admire him for his commitment to other veterans and to making certain that veterans receive the care and the gratitude that they deserve.

Madam President, one of the most important ways we can demonstrate that we honor those who served our country is by making certain that we live up to our commitment—the commitment that was made to them—to provide the benefits that they deserve, including timely and quality healthcare. Unfortunately, today, we find ourselves in another crisis moment in regard to veterans’ healthcare and, in particular, the Veterans Choice Program, which was designated to provide access to veterans who were in danger of an inability to access that care because the VA did not provide the service, could not provide it in a timely manner, was so far from where the veteran lived that he was unable to obtain that service because of distance.

So, in 2014, this Congress passed and the President signed what has been labeled the Choice Act. It came about in the wake of a scandal, particularly in Phoenix but across the country, in which we saw fake waiting lists and the belief that there were veterans who died as a result of not obtaining 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 community.

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 McCaskill, Senator Inhofe, Senator Tester, and other colleagues 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 going to expire in the next few days. Demand for the Choice Program is up 30 or 40 percent, and it is clear by the middle of the year, that if we do not appropriate the money now, we will be unable to restart the Choice Program.

This is not just a circumstance in which the third-party administrators can leave the business and return if we Appropriations Sub-committee that funds the Department of Veterans Affairs, and when I learned of the budget miscalculations, we immediately contacted the Secretary of the Department to get his understanding of the circumstance that we were in. We only learned of the shortfall after we learned that veterans at hospitals were being being cut off by the Choice Program. The Secretary had made a decision to reduce those veterans who are eligible. We asked him to withdraw that guidance to his regional officers across the country, and he did. Madam President, I have a feeling that is not what Senator Daines is about the thing. I hope that turns out to be the result and that we have a better ability at the Department of Veterans Affairs to make the calculations necessary for Congress and the Department to make wise decisions.

The system has to be fixed, and it has to be fixed quickly. There is an immediate crisis.

One of the things that now happens as a result of reduced use of Choice is that the networks that were created to support Choice—the third-party administrators of the Choice Program—because of a lack of volume, are no longer financially viable to stay in the business of being the network to connect the VA, the private sector, and the veterans. In a way that the network gets them their appointments, and it does not have to be fixed. It does not have to be fixed quickly. There is an immediate crisis.

This is not just a circumstance in which the third-party administrators can leave the business and return if we get our work done here and the VA Choice Program is defunded. Those networks will disappear, and we will not be able to easily restart the Choice Program, so if we do not make a fix shortly, we will be forced to 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.

But this 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 will result in a situation where the entire network, 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 patience of the veterans themselves—people who had returned as veterans were beginning to get their care at home, and providers being paid for the services that they provided veterans. Now, if the third-party administrators—the network—go away, we will have more missteps for 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 Act was funded by a 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 negotiation. There is a lot of talk, and a lot of negotiations go 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 compromise in order to hire H.R. 3298, 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 bipartisan support to bring 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 wounded in the defense of their superheroes, the U.S. Capitol Police 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 INJURIES.** The Capitol Police Board shall make payments from the United States Capitol Police Memorial Fund for amounts in the Fund under chapter 81 of title 5, United States Code:

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

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

(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 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 or 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;

(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.”;

(b) **TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.**—The second sentence of Public Law 105–223 (2 U.S.C. 1951) is amended by striking “deposit into the Fund” and inserting “deposit into the Fund, including amounts received for medical care and related expenses incurred 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 for millions, gut Medicaid by $1 trillion, cut $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 will increase 20 percent every single year in the next 10 years, all while special interests in the healthcare industry are going to get a massive tax break.

Republicans could still play games with the language as they negotiate in private, so it could be delayed, delayed, delayed. We do know that under this bill, the millions of people who lose care and the millions and millions more who will see their premiums go up.

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 bill and full repeal bills this week made it very clear.

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 in. I hope that this week, 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 exceeded the powers that are constitutionally claimed power—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 fed 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 country is actually living on a system that we take seriously our history, our duties, and our unique place in the 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 to and teach to our kids the Constitution’s system of checks and balances. This—this is the world’s greatest experiment in self-government. It works only if all of us—Presidents, Senators, Republicans, Democrats, Independents, and judges—if we all keep our faith to the American institutions and to the rule of law.

Our oath is not to popularity, it is not to polls, and it is not to political parties. Our oath is to the Constitution and to the rule of law. Our duty is to the American people—the men and women who elected us, the men and women who came before us, and especially the men and women who will come after us in this greatest of experiments in self-government.

Madam President, with respect to the healthcare debate that we are having in this body, while I obviously look for ways to improve healthcare, I am considering any and all amendments offered by my colleagues, both Republicans and Democrats, the basic trajectory of where we are in healthcare has not changed. We should all be disappointed by where we are.

Here is what I mean. It is very likely that in the coming decade, basic math is going to force Americans and those who will serve them in this and other institutions of government—they are going to be forced to choose between two paths. This isn’t that hard to see. We are ultimately going to choose between single-payer, socialized medicine—something I think is terrible policy, but it is intellectually coherent—or we are going to build the innovative, disruptive system of consumer-based health insurance that actually goes with consumers and patients and Americans and taxpayers across job and geographic change. We are ultimately going to make a choice.

Senator, this is the greatest opportunity. We are not making the big choice now. We are making a choice between a couple of small options. We have forks in front of us that are, I think, more or less the choice between one constituent at home, who also happens to be my wife, when she checks in on the processes of Washington, she regularly says: Both of your political parties are so gross. She is dissatisfied, like so many of the constituents who call us and come to our offices, with the fact that we are not debating the real stuff around here. We are making a choice between two small, pretty crappy options, when really the big choice that is in front of us is one that now their health entitlements at which dwarf everything else on the Federal budget—the two choices before us aren’t really that hard to see. We are ultimately going to migrate toward a European-style single-payer system, where government will be more effective at controlling costs, but it will do it by crowding out lots and lots of the private sector. We are either going to have single-payer healthcare or eventually we will create a system where you have portable, affordable insurance.

We have none of those things today. We have no portability today. You can’t take your insurance policy with you across job and geographic change. When I change jobs, I don’t lose my life insurance. I don’t have to cancel my car insurance because I changed jobs. But we are still living on a system that launders our insurance, which is really mostly the collectivized prepayment of mostly predictable medical expenses. We have had a recession ever since the 1940s. So you have to do that through your large employer group. You can’t do it in the small market or as an individual. So we don’t have portability, and we all know we need portability.

We did this 30 years ago in pensions. We used to also launder through a tax accident where, when people were pre-retired, and job-related, through the whole career, they had a defined benefit pension plan. It worked when you worked at the same place from high school graduation to retirement. It doesn’t work when the average duration at job for the Americans is now under 4 years. So we did the hard work of reformatting a pension system from a defined benefit to a defined contribution, tax-protected, portable 401(k) plan.

Obviously, we all know that if we are not going to end up in socialized medicine, we should have portability in our health insurance benefits. We should have farmers and ranchers in the Presiding Officer’s State or in my State able to keep their insurance that they have, laundered through an individual market, or we need the gig economy mobile workers who are going to change jobs even faster than every 4 years to not become uninsured for 4 to 6 months every fourth year when they change their job.

Today, we have a resolution of the Senate of the State of Nebraska, I yield the floor.

Mr. President, you are a General, forget about it. The President is dissatisfied, like so many of the constituents who call us and come to our offices, with the fact that we are not debating the real stuff around here.

To listen to pundits screaming on TV, you would think that somehow this was so many sicker people, so many poorer Americans who that is why we have had arcing uninsured since 1990. But that is not true. We don’t have more poor people and we don’t have more sick people. Uninsurance went up from 1990 to 2009 because people change jobs more rapidly, and every 4 years when they change jobs, if they have a 4- to 6-month period of unemployment, that is when they get the breast cancer diagnosis, or probably that might be when they get in the car accident. That is the No. 1 driver of uninsured in America today.

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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 the fact they won't 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 2 1/2 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 ever get health financing, and that system turns people against the system. 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 wages could 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, and about 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 farming town in Nebraska. There are 10 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 Declaration of Independence was a contract with the 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 go.

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 downside of 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 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 rip a big hole in the insur-

ance 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 the pool of persons who 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 be able 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 injured, we are not going to be disrupted. 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, today, 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 of tonight before it can be duly considered in a bipartisanship, 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 is not about passing a bill where 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.

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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 bills, 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 cruel bill from the Republicans offering Medicare for 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 oppose the Obamacare-for-all amendment. They oppose Medicare for all. So 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 overwhelmingly 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.

Tomorrow 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 will 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 bill. They say, “strong incentives for people to avoid healthcare and keep it year round”—that is what they are looking for, that is what is in current law, and we have the Republicans wanting to take it out.

There must be Affordable Care Act cost-sharing provisions for consumers. Otherwise, there will be—and this is Blue Cross Blue Shield again—“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 has received 14,500 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 health.

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 their needed 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 Rio Rancho, 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 hip and knee surgery 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. HENRICH. Mr. President, for over 7 years, Republicans in Washington have cheered 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.

The shockingly rushed and secretive effort on display this week in the Senate is another example of 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 literally thousands of New Mexicans who have told me how important their healthcare coverage is to them and their families. What answers do President Trump and Republicans in Congress have for the grandmother in Santa Fe who wonders where she will go when her nursing home closes because of Medicaid cuts or the woman in Albuquerque who wrote to me about how scared she is about losing access to mental healthcare for her depression and anxiety? What are they going to tell the single mother in Rio Rancho who relies on Medicaid to cover her children’s medical costs or the young man in Espanola who needs treatment...
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 of President Trump. 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 healthcare accessible and affordable 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 McCain 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 headed.

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 where we have to make 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 for 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.

We are in the middle in between. Maybe it is the middle, as Senator McCain said, 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 or states: 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 agree. 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 on talk radio every day, that if you don’t agree with the other person you have to be a Communist or you must be some rightwinger. 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 for the people I represent.

So the reporter said: What are you thinking about?

Do you know what I told him I said? I said: What I think about is, What is China doing right now? 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 capability 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 we should 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.

I think we are 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 brought to the floor with little or no opportunity for members to participate in the amendment process, virtually guaranteeing a fight.”
Mr. SULLIVAN. Mr. President, I realize the indulgence of the President here to cast the deciding votes to repeal and replace, 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 likely 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 see saw 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 unattainable position to have. All these people here have been thinking 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 experiences and different sets of 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 of the Senate. 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 on both sides of the aisle—I say to the President of the Senate, ask your speech for 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 and many Senators, but we know those haven't come to pass.

As a matter of fact, a number of us—I 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 back to what 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 debating 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 one of 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, to be 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, we are 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 for 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, 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 in the TV media—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 our 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, we were working hard on appropriations. Appropriations committees voted different appropriations bills out of committee, as they are supposed to do, and they voted the Defense appropriations bill out of committee with an overwhelming bipartisan vote.

So what happened? We brought to the floor to debate it and try to pass it—funding for the troops. That bill was filibustered six times by my colleagues on the other side of the aisle, six times. Go home and explain that to your troops. They are in Iraq by the way—six different times. I came down to this floor numerous times asking somebody, anybody 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. If he really 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 all now we are seeing 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 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; 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 very bipartisan. We get a lot of work done, led again by a great U.S. Senator, John McCain. It is an honor to serve there.

I believe right now the Senate is trying to reach a unanimous consent agreement that as soon as we are done 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 it. 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. 338, AS MODIFIED

Mr. DAINES. Mr. President, I have listened to some of the rhetoric 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 citizens; and, No. 3, to ensure that we protect those with preexisting conditions.

Some of my friends across the aisle want to see more government control of families’ healthcare decisions—in other words, more government intrusion. 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 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 groups, media, 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, I believe bringing the idea coming from the other side of the aisle, which is why I have offered this amendment.
Mr. ROBERTS. Will the Senator yield for a question?

Mr. DAINES. Yes, Mr. Chairman.

Mr. ROBERTS. Mr. President, I am sorry that I did not catch all of the Senator’s remarks, but I think he said that this is another bill that was introduced in the House.

How many cosponsors are on this bill? Is this a legitimate effort here?

Mr. DAINES. For those who are watching and observing, it is H.R. 676. There are 115 Democratic cosponsors on that bill as we speak.

Mr. ROBERTS. So this is a legitimate bill that is up. Well, it is not up for consideration now in the House.

Is this the Cryers’ bill?

Mr. DAINES. It is the Cryers’ bill. I did not write this amendment—this bill—that I am offering. We cut and pasted the precise text and are bringing it over here and offering it today.

Mr. ROBERTS. Is there at least a preamble to this bill or just an opening of a couple of paragraphs or something? Would the Senator describe it?

Mr. DAINES. Mr. Chairman, in preparing this and in reading this bill, for those who want to see the heart and soul—the vision—of the Democrats, they will be found in this first paragraph of the bill. In fact, I will read it. “The bill establishes the Medicare-for-all program to provide all individuals residing in the United States free healthcare.”

If you choose to say a couple of paragraphs later: “Health insurers may not sell health insurance that duplicates the benefits provided under this bill.”

If that is not a complete takeover of the healthcare system from the government, then you tell me what is.

Mr. ROBERTS. And that is in the bill?

Mr. DAINES. It is in the opening paragraphs of the bill, the preamble part.

Mr. ROBERTS. Well, I think we have a very honest choice. There has been a lot of talk about single payer. There was a lot of talk about it early on in the debate about ObamaCare. I recall in observations made by President Obama that this was the first step toward single payer. I understand that—well, I know that the former Secretary of Health and Human Services, Kathleen Sebelius, had the same plan, that ObamaCare was the first step toward single payer. All you are doing is just saying, OK, if that is the goal, bring it to a vote.

Mr. DAINES. Thank you, Mr. Chairman. I agree with you. That is what I am planning to do today. I ask unanimous consent for an additional 6 minutes of debate equally divided between the managers or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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, you so embarrass me. 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 out 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 Cryers’ 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, make us vote on it, and then think what we should vote no on this. What say you?

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be equally divided.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. 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 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 SANDERS has offered 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 that 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.

The PRESIDING OFFICER. Is there objection?

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. 340, 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 present.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

No. 340, as modified.

Present.

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

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

Mr. SANDERS. Mr. President, if Senator DAINES is just playing a political trick—I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Is there objection?

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. 340, as modified.
Mr. MENENDEZ (when his name was called). Present.
Mr. MERKLEY (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.
Mr. PETERS (when his name was called). Present.
Mr. REED (when his name was called). Present.
Mr. SANDERS (when his name was called). Present.
Mr. SCHUMER (when his name was called). Present.
Mrs. SHAHEEN (when her name was called). Present.
Ms. STABENOW (when her name was called). Present.
Mr. UDALL (when his name was called). Present.
Mr. VAN HOLLEN (when his name was called). Present.
Mr. WARNER (when his name was called). Present.
Ms. WARNEN (when her name was called). Present.
Mr. WHITEHOUSE (when his name was called). Present.
Mr. WYDEN (when his name was called). Present.
Mr. CASSIDY (when his name was called). Present.
The PRESIDING OFFICER. The amendment (No. 389), as modi-

AMENDMENT NO. 389 TO AMENDMENT NO. 267
(Purpose: To provide for premium assistance for low-income individuals.)
Mr. ENZI. Mr. President, I call up amendment No. 389.
The PRESIDING OFFICER. The clerk will report.
The senior assistant legislative clerk read as follows:
The Senator from Wyoming [Mr. ENZI], for Mr. STRANGE, proposes an amendment numbered 389 to amendment No. 267.
Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.
(The amendment is printed in the Record of July 26, 2017, under "Text of Amendments.")
The PRESIDING OFFICER. Who yields time?
If no one yields time, time will be charged equally to both sides.
The majority leader.
Mr. CORNYN. Mr. President, this week we are about the business of keeping our promises. For 7 years, we have promised to help the millions of Americans who have let down, not to mention the millions who have seen their premium costs rise. We said all along that we have four principles.
One is to help stabilize the insurance markets so people living in Iowa, for example, would make sure they have a place where they can actually buy health insurance.
It is about getting premiums lower by eliminating the mandates and making it possible for people to choose alternatives that happen to suit their needs at a price they can afford.
Third, we said we are going to continue to do everything in our power to protect people with preexisting conditions so they are not afraid about changing jobs and being excluded from their new employer’s insurance coverage because of something we have done here. We protect people against the preexisting conditions exclusion.
Fourth, what we said we want to do is to take Medicaid, an essential safety net healthcare program, and make sure we put it on a sustainable path. I know some may say we are putting the cart before the horse, but I think we can just continue to spend borrowed money endlessly. Well, we can’t. It really jeopardizes the very viability of some of our most essential safety net programs like Social Security, Medicare, and, yes, Medicaid in this instance.
What we have done, and what we intend to do, working with our colleagues in the House, is to put Medicaid on a sustainable path while we grow the expenditures to Medicaid each year, over a 10-year period, by $71 billion.
So those who say we are somehow gutting Medicaid or we are cutting Medicaid, I think, simply have to deal with those facts. I haven’t heard a satisfactory explanation for how we can conclude that somehow we are gutting Medicaid or cutting it when we are actually making it sustainable in the long run.
Throughout this process, what I have learned is, Senators have a lot of different ideas. Everybody has come to the table to try to make this better. I would say, unfortunately, our Democratic colleagues have chosen not to participate in the process. This would be a lot easier—and the product we come up with would be a lot more durable over the long haul—if, in fact, Democrats would work with us.
The fact is, in this amendment process we are engaged in, and will be engaged in this evening, any Senator, Democrat or Republican, majority, minority party Member, can offer an amendment and get a vote on it. So I don’t really understand why our Democratic colleagues are sitting on their hands and will not participate in the process.
I fear what they want is to change nothing about the structure of ObamaCare, notwithstanding the failed experiment of the last 7 years. Then what they want to do is come back and throw money at the insurance companies under these cost-sharing risk pools. We are willing to do what we need to do to stabilize the insurance market, but I am not going to vote for an insurance company bailout without reform.
Leader MCCONNELL reiterated yesterday that our constituents are counting on us. I can tell you, the 28 million Texans I have the great privilege of representing are counting on me and Senate Cruz to do our part to come up with a solution. The Texan whose premiums have tripled and lost his doctor is counting on us. The ER employee who witnessed the emergency room busting at the seams with Medicaid patients people who ostensibly have coverage under Medicaid but who can’t find a doctor who will accept a new Medicaid patient so they end up going to the emergency room is counting on us. The small business owner who was forced to fire employees to avoid a $100,000 fine, that person is counting on us too.
My constituents in Texas and Americans across the country are counting on us. They are sick and tired of the bickering and the lack of productivity here in Washington, DC, and I don’t blame them one bit. They are counting on us to free them from some of ObamaCare’s mandates that force them to make very tough economic decisions, like the 28 million people under ObamaCare who either pay a fine—about 6.5 million of them—or the rest,

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 choice of healthcare 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 seeing their premiums go 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 deducted denial of 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.

Then we have the 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 has remained 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 that have stifled business growth, to be sure, especially among small businesses, which are the primary job engine of our economy. Oftentimes 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 have broken 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, education, immigration, or any number of things we need to do to keep the economy growing and moving forward.

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 have had it with the government, 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 decision 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 that every single one of the Senators here who 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 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, 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 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.

Mr. President, I 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 plan, you can keep your insurance plan. I think he meant that at the time. It wasn’t true. 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 he 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 isn’t 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. Presi-
dent. 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 Ameri-
can 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 peo-
ple 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 mo-
moment.

In 2016, under ObamaCare, we started out with 281 insurance companies offer-
ing insurance to the American people. That is a good start. The problem is that
the premiums on those plans went up 141, and they are dropping like flies. In my State of Lou-
siana we are down to three. A third of all the counties in America have only one choice—one insurance com-
pany that will still write insurance—and many of our counties have zero, none at all. They can’t manufacture
insurance at all. They have been 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 ex-
changes since 2013. That is an average of a $3,600 increase per plan. Nation-
wide, 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.
In my State of Louisiana, I looked at the insurance offered to them, with the subsidies, and have
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depend-
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 some of the impacts from health care reform in 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 that $220 billion reduction for over a decade under this so-called skinny proposal.

If you are one of our colleagues in the Senate, you will see that 16 million Americans will lose their health bills. Republican and Democrats were a part of the effort and—for all of those Americans who are saying “Hey, the skinny repeal is about to happen, I’m going to be able to afford that care with the money in my pockets.”

The numbers on skinny repeal show that 10 million Americans will lose coverage premiums. Rural hospitals are in trouble. In the marketplace. Republican and Democrats were a part of the effort and—well about an issue that the President and I have talked about a number of times: letting the States be the laboratories of democracy, taking the lead on creative health solutions.

Republicans have had 7 years to come up with a replacement to the Affordable Care Act that they can all agree to. Obviously, that has not worked out. In the Senate, the process flattened 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 proposal is 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 when the CBO gets involved. The guarantees that Members of this body will get to protect their constituencies 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 fifties, early sixties, and he is in a nursing home. He is going to really face some challenges in terms of how to have a plan that 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 engine 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 are not going to have rural life. It is going to be parceled out. The other effort could conceivably result in seniors between 55 and 64 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.

Before the Presiding Officer was here in this body, 14 Senators—7 Democrats and 7 Republicans—joined me in the 2009 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 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 forward 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 is to reject it, 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, reconcile. 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 and I 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 power 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 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 let us 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 Pennsylvania, 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 Louisiana what an approach involving a waiver should be all about. It is quite the opposite. I have worked with colleagues 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 we are here for.

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 schemes are going to get 50 votes.

Parliamentarian said—it calls into question the prospect of true bare-bone 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 some people have said is 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 care of those people there is little or no coverage, 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 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’ pockets. The pharma-aceutical benefit managers. So I said: How about a little sunshine, the best disinfectant?

I sure think people ought to be working together on those kinds of things. That, colleagues, is not what is on offer right now.

I urge my colleagues to say: We are getting out of this shell game. Nobody has to accept the skinny repeal option or the dictates of the other body. If you want to work on a bipartisan way, call me, let’s have a plan in place to do just that. Instead, a dozen or so male, Republican lawmakers met behind closed doors, shielded from public view, to negotiate a grand plan to repeal the Affordable Care Act and make devastating cuts to the Medicaid Program—no hearings, no debate, no process. This is not the path taken when we considered, debated, and approved the Affordable Care Act. This is not the way the Senate, the greatest deliberative body in the world, can conduct such far-reaching and impactful business. This is not the Senate that I know and respect.

In spite of multiple drafts and a go-it-alone, hyperpartisan philosophy, the majority leader was still unable to garner enough support within his own Caucus to pass a sweeping healthcare bill. I joined with many Democrats to offer motions to get the Senate back to regular order and have the appropriate committees study the effects of these policies on Medicaid beneficiaries and those with disabilities, on women and children, on seniors and the most vulnerable, but Republicans voted down those efforts and plowed ahead. During this debate, the Senate has also considered multiple amendments to rewrite the Affordable Care Act. Each of these amendments would have caused tens of millions of Americans to lose insurance and would have made it harder for those with preexisting conditions to obtain coverage. When those amendments failed, the leadership attempted to fully repeal the Affordable Care Act. That did not work either.
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 moving forward with this legislative malpractice that it is willing to vote to repeal or delay 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 magnitud 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 upon Medicaid to fund their health 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 that 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 $1,200 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 close all of the 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 the cost of Insuring the uninsured and helping the poor get 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 and counseling services for those suffering with opioid addiction. 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, a Vermont 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 the Medicaid program that 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 because of 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. A two-time breast cancer survivor involved in two hospital admissions, four months of chemotherapy, and fourteen surgeries. I still take drugs every day. There is no way we could have afforded any of this without Obamacare. Before the ACA, our health insurance costs—both premiums and deductibles—were sky high. My husband and I used to avoid going to the doctor, reserving that luxury for our three children. Without Obamacare, it’s entirely possible that we wouldn’t have had the check-ups that led to our diagnoses.”

These TrumpCare proposals are not healthcare bills. A true healthcare bill would not allow insurance companies to charge people more for less coverage. A true healthcare bill would not move us backwards to a time when healthcare was unaffordable. Instead, we should be working on proposals that improve our existing system. W hen there are deficiencies, let’s fix them. Where we can find common ground, let’s act. One of the first things we should do is stabilize the insurance market by making cost-sharing payments permanent. We should also be working to reduce the cost of prescription drugs, which is why I have introduced a bill, along with Senator Grassley, that would help reduce drug costs, rather than actually allow prices to come to market faster. The American people expect us to work on real solutions. We should not be voting on a cobbled together plan where the primary goal seems to be to get to 50 votes, rather than actually allowing us to improve our health insurance system. Importantly, no Member should vote on a proposal unveiled at the eleventh hour, with no debate—a proposal that will impact such a large component of our economy and tens of millions of Americans.

Was the Affordable Care Act absolutely perfect when it was passed? No, and we acknowledged the need for corrective measures. There were undoubtedly better ways to approach the problem. However, we knew that any solution would be imperfect. Once again, some Republicans seem intent on unraveling our health care system. Without the Affordable Care Act, it is entirely possible that we wouldn’t have had the health care we needed to recover. We know now is such a time and that the Senate will rise to the occasion to defeat this harmful bill.

Mr. BLUMENTHAL. Mr. President, I have previously ordered to be printed 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.
Ms. HIRONO. Mr. President, I intend to offer the following motion to 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.

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) strike any provision in the bill that results in decreased access to preventive or primary care services for low-income children.

Mr. CARPER. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Health, Education, Labor, and Pensions HELP Committee with instructions to ensure the bill does not harm or reduce the size of the individual health insurance market risk pool in any State.

I am offering this motion to ensure that the healthcare bill does no harm to the States’ individual and small business health insurance marketplaces by fracturing or reducing insurance market risk pools in ways that would drive up health insurance premiums and deductibles for Americans or Americans with preexisting conditions.

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:

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) strike any provision in the bill that results in decreased access to habilitative or rehabilitative services for children with disabilities or children with medically complex needs.

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 a 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 saddle 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 healthcare 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 common sense 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 H.R. 1628 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. Carper moves to commit the bill H.R. 1628 to the Senate 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 DUBBIN, BLUMENTHAL, BALDWIN, and BROWN.

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 Health, Education, Labor, and Penisons 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) require the President to notify in writing any State, that by a reasonable cut in health care benefits, lower quality health insurance, or loses health insurance altogether that these changes are the result of H.R. 1628, the Trumpcare bill.

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 DUBBIN, BLUMENTHAL, BALDWIN, and BROWN.

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 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) ensure that States that elect to waive essential health benefits under section 1332 of the Patient Protection and Affordable Care Act provide for new essential health benefits that provide at least a level of coverage that is at least equal to the essential health benefits coverage of Members of Congress.

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 VAN HOLLEN, BALDWIN, BROWN, LEAHY, HARRIS, FRANKEN, STABENOW, CARPER, UDALL, HIRONO, MENENDEZ, REED, DURBIN, WARREN, BLUMENTHAL, DUCKWORTH, MARKEY, FEINSTEIN, KLOBUCHAR, and SHAHEEN.

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) eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with rare diseases.

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 Senate 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) 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.

Mr. MURPHY. 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. 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.

Mr. MURPHY. 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. 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 that the bill includes a provision to lower the cost of private health insurance not apply with respect to private health insurance purchased by American Indians or Alaska Natives; and

(3) provide that any reduction or limitation of Federal payments for spending under the Medicaid program shall not apply with respect to services provided by the Indian Health Service, an Indian Health Program, an Urban Indian Organization, or Indian or other tribal organizations, with respect to services provided to individuals who are American Indians or Alaska Natives.

Mr. SANDERS. Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Health, Education, Labor, and Pensions to report back with changes that are based on hearings held by the committee.

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 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 are based on hearings held by the committee.

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.

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 are within the jurisdiction of such Committee based on hearings held by the Committee.

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. 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. 1. REGULAR ORDER.
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. 2. 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 completed and produced a report 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 they be printed in the RECORD.

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 infants.

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 HIV.

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 Autism.

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 children ages 1-10.

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 parents of infants.

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 diabetes.

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 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 troops serving in Afghanistan.

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 troops serving in Vietnam.

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 troops serving in Korea.

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 seniors.

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 disabilities.

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 people with mental illness.

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 disabilities.

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 disabilities.

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 disabilities.
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 cervical 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 colorectal 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 ulcerative colitis.

**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 Lupus.

**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 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 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 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 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 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 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 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 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 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 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 Parkinson’s.
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 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 pediatric dental services by delaying 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 overall 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 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 provision that would eliminate, limit access to, or reduce the affordability of health services for homeless individuals.

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 affordable preventative services that are currently offered without copayment or cost-sharing under the Patient Protection and Affordable Care Act, including blood pressure screening, colorectal screening, breast cancer screening, cervical cancer screening, and domestic and interpersonal violence screening and counseling.

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 overall 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, it is so ordered.

Mr. TOOMEY. Mr. President, I am going to speak mostly about some Medicaid reforms that were proposed in the BCRA, but in the course of the discussion, I am going to touch on some of the issues that our colleague who just finished raised.

As we know, the BCRA bill is not going to be the vehicle we will take to a conference committee with the House, but I hope we will get to a conference committee with the House, and I hope the result of that, among other things, is that we will address the need to make important reforms to Medicaid because they are long overdue.

I will start with a chart which illustrates our Federal deficits and what exactly is driving our Federal deficits. The fact is—I think we all know here—we have two big categories of Federal spending. One is the discretionary spending which Congress approves at Congress’s discretion every year. The other category is the programs on autopilot—programs where spending is driven by a person’s eligibility for the program without Congress acting in any way.

That latter category, we call mandatory spending. In 1980, that was only 50 percent of the Federal budget. By 1995, it was 64 percent. Last year, it was 70 percent of our entire budget, and we are on a path to have these mandatory spending—the blue line. We can see the growth in mandatory spending. We can see, relatively last year that the other categories of spending, be it defense or nondefense discretionary spending.
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—that 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. This is why we have to think of another 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 Medicare, and in those years, Social Security’s contribution to the Federal deficit was higher than the blue line. That is, the Federal Government’s contribution to Social Security. 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.

Medicaid 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 reason Medicaid generally is higher than Social Security is because that is 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 our budget. It’s 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, but Medicaid, as we can see, 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 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 growing by some percentage. After 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 amount it would contribute to the States based on the number of individuals enrolled. In other words, that 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 a wildly accelerating line relative to this modest growth line but that 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 going to read a very brief 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 all 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 Medicaid 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 be a per individual cap and should be tied to 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 wait. They didn’t want to go on 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.

Some 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 every form imaginable, our Democratic colleagues have attacked Republicans for every form imaginable, our Democratic colleagues have attacked Republicans for every form imaginable, our Democratic colleagues have attacked Republicans for every form imaginable.
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 along and an unintended consequence. 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 attack.

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 first launched, to four categories of Americans—four categories of people who were of very low income and 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 as high as 75 percent of the costs and no State less than 50 percent—on average, 57 percent.

ObamaCare came along and created a new category of eligibility. Under President Obama, for the first time—under a new category was created: that is, adults, working-aged, able-bodied people with no dependents, would now be eligible for Medicaid if their income was below 138 percent of the poverty line. The Federal Government would pay all of the costs initially, 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. 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 working group? Our proposal is that 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 category we are proposing is what I also referred to, 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 costs. The eighth year 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 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 didn’t know 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 can’t name a single State that would expand 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 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—every cent under the BCRA depends 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.

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 to the arguments now. You would think we might be able to find some common ground.

The fact is that Medicaid is a very, 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. The sooner we can get on 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 impartial 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 the issue of healthcare is a big problem right now. Access to affordable healthcare is out of touch for millions of Americans. That is despite the promises made over and over. Remember that ObamaCare was rammed through on a last-ditch Christmas Eve vote.

Look at what that got us. Health insurance markets are collapsing across the country. Since 2013, the average premium increase on the individual market has jumped 105 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 over 20 percent by 2018. 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 employer mandates 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 very moment, 72,000 Iowans in my home State are crippled 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 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 hard-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 singleness.

They will say and do whatever it takes to secure sweeping, universal government control of the healthcare system, no matter how much it costs the taxpaying public, the toll it takes on our 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 20-30 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 Senator 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, “If, in 10 years’ time, we find children sleeping on grates, picked up in the morning frozen, and ask, why are they here, scavenging, awful to themselves, awful to one another, who 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 a 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, twenty shatters the mass prophesy 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 láthi with dignified 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 another Democrat said 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 and 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 many feared.

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 Iowa 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 Iowan 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 in premiums for herself 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. Republican lawmakers need to 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. It is time for us to move ahead to fix this problem. The other half is blocking any effort put forward to reform the broken law. They are digging in their heels and pulling out all stops of any solution that would stop them short of their tracks. Again, it reminds me of those who fought tooth and nail to stop welfare reform 20 years ago. I quoted those people from 20 years ago. At the time, they predicted the most dire consequences were our most vulnerable citizens. Thank goodness, the pessimists back then did not prevail in their obstruction against welfare reform. While welfare reform has not been perfect, it has opened doors of hope and opportunity to millions of Americans.

We can’t afford to let the pessimists and obstructionists prevail today against healthcare reform, and they seem to be acting like the very same people that opposed reform 20 years ago. The American people deserve high-quality, affordable healthcare. ObamaCare has not lived up to its promises, so it is time for elected leaders to live up to the promises we made to the American people.

Let’s worry less about who wins and worry more about who will lose when Congress fails to restore the collapsing Federal law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the time until 5 p.m. be equally divided between the managers or their designees; that at 5 p.m., the Senate vote in relation to the Strange amendment No. 389; further, that following disposition of the Strange amendment, the Senate proceed to the consideration of H.R. 3364, which was received from the House; that there be 20 minutes of debate, equally divided between the leaders or their designees; that following the use or yielding back of that time, the bill be read a third time and the Senate vote on passage of H.R. 3364; finally, that following disposition of H.R. 3364, the Senate resume consideration of H.R. 1628.

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

Who yields time? If no one yields time, time will be charged equally to both sides.

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 and to stop 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 failed law are so 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, pre-existing conditions are outsourced, and healthcare choices are disappearing.

Americans expect the Congress and the President to address the problem. With ObamaCare getting worse by the day, we have to act. 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 insurance, 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 accommodated and 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 by-now familiar ring 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 showcase 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 made them force 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.

Conservative 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 healthcare 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 won’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 limit 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 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 American families of 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 concise, 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 of 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:

[Rollcall Vote No. 174 Leg.]

YEAS—50

Alexander
Barrasso
Bailey
Boozman
Burr
Capito
Cassidy
Cochran
Corbin
Cox
Cotton
Crapo
Cruz
Daines
Ernst
Fisher
Flake
Gardner
Graham
Grassley

RMI
Ernst
Fischer
Flake
Gardner
Graham
Grassley
The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50.

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The legislation would target the Russian energy sector, which is controlled by Vladimir Putin’s cronies, with sanctions on investment in Russian petroleum and natural gas development as well as Russian energy pipelines.

My friends, the United States of America needs to send a strong message to Vladimir Putin and any other aggressor that we will not tolerate attacks on our democracy. That is what this bill is all about. We must take our own side in this fight, not as Republicans, not as Democrats but as Americans.

It is time to respond to Russia’s attack on American democracy with every tool available in common purpose, and with action. I am proud to have played a small role. What I am most proud of is the bipartisanship you are seeing manifested today on both sides of the aisle. We need a little more of it.

I yield the floor.

Mr. CORKER. Mr. President, I thank the distinguished Senator from Arizona for his dedication to our national security, for his tremendous involvement in the legislation, and all that he does on behalf of all of us to make sure that our Nation is secure.

Thank you so much for those comments and for your deep involvement in this piece of legislation.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the chairman of the Foreign Relations Committee and the ranking member, Senator CARDIN.

CARDIN and I began working on this months and months ago. I appreciate that partnership.

Senator MCCAIN—I read an op-ed he wrote in USA Today about 3 weeks ago. It was about what Putin tried to do with some level of success in Montenegro, and nobody has watched Putin and his intervention in our elections and European elections and their governments and his desire to destabilize democracy around the world—nobody has recognized it quite as early or with the same force as Senator MCCAIN has, and we thank him for that.

I rise to urge my colleagues to join me and vote for this critical sanctions
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 views 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 appreciate 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 know 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 affront to 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 CRAPO 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 with each other, 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 bipartisanship, 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 CRAPO, who played an outstanding role as the leader of our committee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. 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 Ukraine, in Crimea, in Syria, in facilitating corruption globally, or in the cyber security attacks we have seen that have been directed not only at us but at our allies across the world.

This very important legislation is to implement this legislation. I am glad to see the solid bipartisanship that we have been able to build. I also hope that we can build this bipartisanship on many, many other issues.

We are going to be looking at North Korea, as has already been said. I am hopeful and confident that we will stand again on this floor soon as we deal with the threats we face from North Korea.

I yield back.

Mr. CORKER. I yield the floor to Senator MENENDEZ.

Mr. CARDIN. May I have a moment? First, I want to join in thanking Senator McCAIN and Senator GRAHAM for their work. We started in January on this legislation—their legislation. How we drafted it is intact here, and I thank Senator McCAIN and Senator GRAHAM.

The leader on the Iran sanctions, going back many, many Congresses, has been Senator MENENDEZ. In introducing him, I want to thank him for his leadership on Iran and, also, these other bills. I look forward to his comments.

The PRESIDING OFFICER. The Senator from New Jersey.

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 treaty obligations. In addition, Iran had to 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. 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 within the 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 pursuit of 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 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 builds on the 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's 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 Senate 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 pace 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 we know all of us long to get to on all issues that we deal with here, and thank you to 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 are all ready for this moment. We are all ready today on what Russia has done to our country and to others, to speak to what North Korea continues to do.

One attribute that has not 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:

[Rollcall Vote No. 175 Leg.]

YEAS—98

Alexander
Baldwin
Barrasso
Benning
Binnsenfeld
Burr
Boozman
Brown
Burr
Canwell
Capito
Cardwell
Carper
Casidy
Coats
Collins
Coons
Corker
Cotn
Cortez Masto
Cotton
Crafo
Crus
Daines
Donnelly
Duckworth
Durbin
Emhoff
Ernst
Feinstein
Fischler

NAYS—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.
The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. Enzi] for Mr. Hillman, proposes an amendment numbered No. 267.

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

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

The amendment is as follows:

(Purpose: To strike the sunset of the repeal of the tax on employee health insurance premiums and health plan benefits)

Strike subsection (c) of section 109.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, we are talking today, obviously, as we move into the final hours of this debate, about the two mandates in the original Affordable Care Act, the individual mandate and the employer mandate—certainly, the individual mandate but both of these mandates.

First, I want to talk about the individual mandate. It was unprecedented in Federal law. The idea that the Federal Government could tell somebody they have to buy a product, tell them what that product had to look like, and have very little input on the price or competition is just something the Federal Government had never done before. They didn’t just set guidelines, they didn’t just set subsidies, but actually a requirement to buy a product or pay a penalty.

Now, when this case got to the Supreme Court, the government was still arguing it was a penalty and there was nothing wrong with that penalty, until apparently they figured out the Court wanted to look at this as a tax because a penalty wouldn’t have been constitutional.

Now, we all know this is a penalty. The Supreme Court can call it a tax, the Obama lawyers could at that moment decide, well, even though we set up the law as a penalty, we really wanted to look at this as a tax because a penalty wouldn’t have been constitutional.

Nobody ever thought this was a tax before that day, nobody has ever seriously thought it was a tax after that day. It was a penalty you pay if you decide the government wants you to do something the Federal Government tells you that you have to do.

There is no constitutional basis that gives the government the authority to make that kind of decision, and families and individuals have been hurt by that decision.

There is only one place to go on the individual market, the exchange. Remember that? We have almost forgotten the total disaster of the exchange. States tried to operate exchanges, almost none of them worked. States spent millions and tens of millions, and I think a time or two maybe even more than that to put an exchange together.

It didn’t work. That part of the law didn’t work so you wind up mostly with one big exchange. Even with one big exchange, you have to think about whether the policies available in the county you live in—most of the debate around this law has been centered on the debate has been we ought to expand the marketplace, we ought to buy across State lines, we should have more choices and more places to go. Somehow we managed to define in this law, the law that is the law of the land, a marketplace that is about as small as it could possibly be.

In our State, in Missouri, we have counties that have a million people. We have a county that has a million people. We have a county that has 4,000 people. The county that has 4,000 people has its own buying unit when it comes to looking at how the marketplace is set up. It just doesn’t make sense. This is not America. This is the choice is so low. Some defenders of the law will say that costs will go up if the amendment passes. That is possible, but we know the costs will go up if the amendment fails. We know the costs will go up if we are.

Costs, since 2013, have increased an average of over 100 percent in the country—105 percent. This was the law that was going to reduce family costs by $2,500 a year. Families are generally reduced if they didn’t increase by $2,500 a year, let alone fail to reduce by $2,100 a year. So a 105 percent increase in 4 years—in Missouri, where I live, 145 percent is the increase.

I think at some point you would have had an increase of more than 200 percent, and even with an increase of more than 200 percent, nobody wants to sell insurance there. Not only is there no competition there. Not only is there no competition, there are only 10 million people there? How do 15 million people drop out if there are only 10 million people there?

They said that 7 million people who get Medicaid and pay nothing for it wouldn’t take that if the government didn’t force them to. There must be something wrong with the insurance product and Medicaid both if people don’t take it even if it is available to them. The current system isn’t working.

The other mandate, the employer mandate, is telling employers what they have to do. One of the great benefits of health insurance in this country since World War II has been the insurance at work. It was pretty much an accident in 1946. The war was over, and no one wanted to heat up the economy too quickly so it was decided to have wage and price controls. Somebody asked the price control person: If we add insurance at work, does that count toward wages? They wanted to compete for more and better employees they could get coming back into that economy from the war. So they asked, if we add insurance to work, does that count toward wages? The wage and price control person said, no, it wouldn’t count. So they went to the IRS person and said: If it doesn’t count toward the wage, is it taxable if they get it at work? That person said, no, it wouldn’t be taxable either. So we have this unique system that developed. We need to figure out how more people can get insurance at work, more people can get insurance as a part of bigger groups. There are things that work and things that don’t. The government doesn’t do something and thinking there is a constitutional right to do that just simply doesn’t work.

In fact, with the employer mandate, there are all kinds of unintended consequences. People with 50 employees didn’t want to get more than 50 employees. The 30-hour workweek became a problem. In fact, Ms. Collins, the Senator from Maine, from almost day one has said: Why do we want to enforce a 30-hour workweek? Let’s have a 40-hour workweek. Her amendment was offered and filed over and over again. Companies were reluctant to hire new employees. These are the
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 we 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 they could force people to purchase a product that didn’t meet their needs and didn’t meet what their family could afford to do.

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

The Honorable ROG OFFICER. The Senator 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 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 my wife and I. We are self-employed small business owners and simply cannot afford to pay nearly $30,000 per year, for health insurance. We will have to pay the penalty for not having healthcare, but we have to eat and pay our bills. Sadly, we are both in our late 50s, and we probably need healthcare more than ever. Mr. Lankford, this is not the America that I grew up in, America that my father fought to preserve in World War II.

That is the healthcare debate happening in America right now—individuals who used to be able to afford their healthcare coverage, but now they cannot and no longer have healthcare.

The Affordable Care Act did cover a new group of people who were not covered before, but it also pushed out another group who used to have coverage and now does not.

This is an extremely personal issue. This is not a political issue. These are 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 families.

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 the time ObamaCare was 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 healthy people to buy insurance to incentivize and say ‘Let’s form a bipartisan solution to this. 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 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 question is how can 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 because of the employer mandate. So we can negotiate and say ‘Let’s form a bipartisan agreement on this’ if they want to keep the individual mandate and the employer mandate. Those 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 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. How things 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. There is a healthcare dollar paid and it first has to pay the Federal bureaucracy, then it goes to the State bureaucracy, then it
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 leave them 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, the Federal Government, or 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. Why can’t we do that?’

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. People 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 says, ‘Before we have 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 type of thing that 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 growing at the rate of 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 taking control of healthcare out of Washington D.C. and getting 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.

Let’s tell 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 $13,000. 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 $2,640 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 how 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 especially the highlights of my friend from Missouri who went before him. I appreciate their leadership on this issue.
Let me, at this point, also give a salute 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 peti1tion for a 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.

After 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 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 I am not for a fact, and 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 home—ordinary 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 could not. They wanted, and they could keep their healthcare plans. They liked their healthcare plans, and, in fact, they were not able to keep 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 were told that in 2013 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 that is not working, 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 116-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. They have seen an 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 fines and a ticket, and these 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: Why does the ACA need 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, Mississippi. We have raised 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 answers 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 a solution for tonight, 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 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 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 to deliver on what was promised to the American people.

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 on pending, and I ask as optimistic as I have ever been that we will be able to keep this four-election promise we made.

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I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELLER. Mr. President, I rise today to talk about my amendment, Heller 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 employer-provided healthcare premiums being increased, and we are talking about higher deductibles. Hard-working Americans will suffer.

That is why I joined Senator HENRICH from Nevada 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, now—to avoid this onerous 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 by 2018, as employers scrambles to avoid the law's 40-percent excise tax. HSAs and FSAs are used for things like hospital and maternity services, dental care, physical therapy, and access to mental health services. Each year, millions of families pay steep taxes on their employees' health plans, flex spending accounts, and flexible employer-provided health coverage plans altogether. Under this tax, deductibles will be higher and benefits will be reduced even more, putting a strain on middle-class families trying to make ends meet.

The short-term success of this was pushing the delay through 2020. Now it needs to be fully repealed. So I encourage all my colleagues to join me today in voting in support of the Heller amendment No. 502 to fully repeal this bad tax and send a message that Congress is serious about lowering costs for all Americans.

Mr. PResiding OffiCer, Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. SCHATZ. Mr. President, you know, late this afternoon, around 5 o'clock, a number of Republican Senators indicated their unwillingness to support the so-called skinny bill, which would rip healthcare from 16 million people, according to CBO, and increase health insurance premiums by 20 percent—and not 20 percent over several years, 20 percent per year for the next several years, doubling health insurance premiums. The next 4 or 5 years. That is the bill we are talking about. They said that they don't like this bill, but they are willing to vote for it if they are provided assurances that this is just sort of a procedural vote.

We just had a motion to proceed that was procedural in nature, according to them. We think it is the vote on healthcare.

No. To an important second vote, which is actually a vote to enact legislation—they are saying they are going to vote for it but only on the condition that we go to conference committee.
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, it is intended 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 known as 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. KAIN. I will yield the floor for a question.

Mr. WYDEN. 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 Senator MARKLEY and I have talked about that. 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 is going to mean for working-class families in his home State?

Mr. KAIN. 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 continues 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 con- sequences—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, the women who decided that 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 joyed 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 a new 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 “skinny bill” as a 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 reason they are eliminating 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 any repeal or skinny 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 to my friends 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 their healthcare. 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 proposed bill 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’re not even near 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 last night on the steps of the Capitol, outside the building, not inside the building—a family who is raising two 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 expected 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—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 when 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—those 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.

I just want to put all of the pieces together for folks who we are hearing tonight, because you are hearing, if you are watching, all across America, different pieces of news emerging from different parts of this city. Let me try to put it together for you for a minute.

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 unsanitary.

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 unsanitary. 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 unsanitary.

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 congressional override. That is 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, “I am willing to go to conference,” 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 mom in Minnesota who has been quoted as saying: “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 these drugs is coming in 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 weeks. They will bring it down, 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 get to 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. It is 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.

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 medications. Right? So they are paying for those medications and it is coming over the years, paying for the testing strips and everything involved in this.

Yet, now, instead of seeing a bill which reduces the cost of prescription drugs by including some of the provisions I have long advocated for—from ending pay for delay, where big pharmaceutical companies are paying off generic companies to keep their products off the market, or bringing in less expensive drugs from countries or allowing for negotiation under Medicare Part D—instead of doing some of those innovative things we need to bring costs down for regular Americans, what we see here is going to make it worse.

When I met with these two girls, I told them and their family that I had their back and that I would tell their story on the floor of the U.S. Senate. Never once did I think I would be saying that we are facing this kind of onslaught to this family—because what I would tell these girls now is that this bill, from what we have learned—we have not seen it, we don’t know exactly what is in it—but from what we have heard, what would happen is, according to the nonpartisan Congressional Budget Office, it would kick 16 million people off of healthcare.

I would ask those girls: Do you know how many people there is, girls? It is 14 States’ worth of people. It is the combined population of 14 States in the United States of America.

What we have learned about this bill is that it would increase premiums by over 20 percent, again, according to the nonpartisan Congressional Budget Office. What I would tell them is that is more than their school clothes, it is more than their softball clothes, it is a good chunk of their college education. This is real money for real people and this reduces coverage and it makes it more expensive. We can do so much better.

A few months ago, we went to that baseball game where the Republican men’s team played the Democratic team. It was on this very lawn, and I watched at the end this beautiful scene when the Democratic team won and they took the trophy and they gave it to the Republicans’ team, and they said to put it in Representative Scalise’s dugout.

Why did they do that? Because they were saying we are all on one team. That is what this should be.
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 to help people.

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, almost 20 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 we have begun to treat edited content, almost 20 percent of our economy.

The PRESIDING OFFICER (Mr. KENNY). The time of the Senator has expired.

Mr. BENNET. I ask for an additional 3 minutes.

The PRESIDING OFFICER. The Democratic time has expired.

Mr. BENNET. I ask unanimous consent for 5 minutes.

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

Mr. BENNET. Mr. President, I just don’t think this Republic will work very well if we don’t have a free press that is respected and if we don’t hold people accountable for their campaign promises.

Here is one of the things Donald Trump said during the campaign about what he was going to produce for the American people and I think it is important to respect healthcare. He said that it was going to be beautiful, terrific—a beautiful and terrific plan to provide such great healthcare at a tiny fraction of the cost, and it is going to be so easy.

That is what he said, in rally after rally across the United States of America, and a lot of people believed it. He talked about how much he hated the Affordable Care Act, or ObamaCare, whatever you want to call it, and all the reasons why; many of the reasons he talked about were manufactured.

But that doesn’t really matter anymore. He is the President. The Republicans are in the majority of the Senate, and they have the majority of the House. Their characterization—or mischaracterization—of the Affordable Care Act is not the issue anymore; the issue is what are they going to do for people living in the State of Colorado who are dealing with a health emergency and not supporting them terribly well. My colleagues heard that right.

People who support the Affordable Care Act or oppose it, in my State, are deeply discouraged about the way our healthcare system works. And I think the President was keeping his promise, we would see 100 people support the bill because it is actually consistent with what people at home want. They want more transparency when it comes to healthcare. They want more affordability. They want more predictability. That is what they want.

If I set out to write a bill less responsive to that aspiration of the people I represent, who are critics of the Affordable Care Act, or Republicans in my State—I couldn’t write a bill less responsive than the one the House of Representatives has passed and the one that was introduced by the majority leader after he wrote it in secret.

It is 8:20 on the night we are going to have this vote, and we haven’t seen the bill. After a year and a half of almost countless committee hearings, after adopting almost 200 Republican amendments on the Affordable Care Act, and hundreds of townhall meetings, being accused of being a Bolshevik who hadn’t read the bill, my question is, Why aren’t people being held to that standard tonight? Maybe they are not asking us to read the bill because there is no bill at 8:20 on the night that we are supposed to take that 16 million Americans’ healthcare, or 20 million Americans’ healthcare—on the night we are supposed to vote for a bill that the Congressional Budget Office says will jack up insurance rates by 20 percent.

They wrote the bill in secret. They didn’t have a single hearing in the Senate—not one hearing in the Senate.

Now it is 8:20 at night, and there are people in my State who think they are going to lose their health insurance because they might be one of those 16 million people or they might have a kid or a parent who has a preexisting condition, like the thousands of people in Colorado who have cancer, who are terrified, and they are not even on the floor, and they can’t read the bill. Read the bill.

Now we are told there is going to be a procedural trick that is going to allow the House of Representatives to just pass this through over the weekend.

That is a shameful way to run the Senate. It is exactly the opposite of what the majority leader promised he would do when he was the minority leader in the Senate. He is the one who said: If you can’t get a vote from the other side—if you can’t get one vote from the other side—you maybe should acknowledge that the American people are terrified, and they are not even on the floor.

They can’t even get all of the Republicans to vote for this. They had to have MIKE PENCE, who is the Vice President, come here to break a tie. What a disgrace to ask the executive branch to come in and have your bacon because you can’t get the votes.

And there is not a Democratic vote for this bill tonight because it doesn’t meet the test that the minority leader himself had.

A colleague from Michigan is here. I will yield the floor by just saying that we should stop this catastrophe. The only thing we know about this catastrophe is if it passes, there will be 16 million people who lose their health insurance and a bunch of rates go up. If we don’t do it, that will not happen.

I yield the floor.

The PRESIDING OFFICER. The time of the Democrat has expired.

Ms. STABENOW. Mr. President, I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I want to support what my colleagues have been saying on this floor. The reason we haven’t seen a bill, the reason we have no idea what is coming is that this is a political exercise by the Republicans. It is about winning and losing. It is about being re-elected, about being accused of being a Bolshevik. It is personal. This is not a political game. This is personal. For everyone who cares about their children and wants to make sure they can take them to the doctor; if you have a mom with Alzheimer’s and you might lose the ability to have nursing home care; if you have cancer and know you may not be able to get the full treatments that you need, this is personal. And, as has been said, every single proposal of theirs is higher costs and less coverage.

So we voted on what was behind door No. 1, which would gut Medicaid healthcare. Three out of five Michigan
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 destabilize and undermine our current system. So that is do or die 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 outrageous 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 we see.

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 one 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 PRESIDING OFFICER. The Senator from Wyoming, Mr. Enzi, heard everybody 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 poor 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 turn the whole system on its side 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 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. He talks about proposals 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 go back 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 PRESIDING OFFICER. The Democratic leader, Mr. Schumer, Mr. President, I ask unanimous consent that before the next amendment each side be given 2 minutes.

The PRESIDING OFFICER. 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 PRESIDING OFFICER. 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 PRESIDING OFFICER. The question is on the Schumer motion to commit.

Mr. Schumer. 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.

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

The result was announced—yeas 43, nays 57, as follows:
Mr. SCHUMER. Mr. President, first on the issue before us, most Democrats—the vast majority—are for repeal of the Cadillac tax. We are not for many of the other provisions being put forward. This requires the two to be tied together. We are for repealing the Cadillac tax but not harming the healthcare of millions of Americans.

I want to make another point, especially to my friends, Senators McCAIN, GRAHAM, JOHNSON, and CASSIDY, who said correctly that the skinny bill was totally inadequate and they would require assurances from the House.

Let me first read what Mr. RYAN said: ‘‘If moving forward requires a conference committee, that is something the House is willing to do.’’ That is not worth anything—only if moving forward is required.

But I make another point that makes the case proof positive that this bill could pass and there is no assurance from the House. The House Rules Committee. There was a motion to limit the waiver of clause 6(a) of rule XIII—

The PRESIDING OFFICER. The amendment (No. 502) was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 667 TO AMENDMENT NO. 267

Mr. MCCONNELL. Mr. President, I call upon amendment No. 667. The clerk will report.

The legislative clerk read as follows:

Mr. RYAN. This Act may be cited as the ‘‘Health Care Freedom Act of 2017.’’

TITTLE I

SEC. 101. INDIVIDUAL MANDATE.

(a) In General.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended by inserting ‘‘$0’’ in the case of months beginning after December 31, 2020’’ after ‘‘$2,000’’.

(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.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended by inserting ‘‘(b) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by striking ‘‘$0’’ in the case of months beginning after December 31, 2020’’ after ‘‘$2,000’’.

(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 4109(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 INCREASED TO AMOUNT 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:

‘‘(D) INCREASED LIMITATION.—In the case of any month beginning after December 31, 2017, and before January 1, 2021, ‘‘(A) paragraph (2)(A) shall be applied by substituting ‘‘the amount in effect under subsection (c)(2)(A)(i)(I)’ for ‘‘$2,500’’, and ‘‘(B) paragraph (2)(B) shall be applied by substituting ‘‘the amount in effect under subsection (c)(2)(A)(i)(II)’ for ‘‘$4,500’’, ’’.

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

The amendment (No. 502) was agreed to.

The PRESIDING OFFICER. The majority leader.
SEC. 105. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 501(a)(2), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 212(a)(7), or 212(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(23), 1396a(c)(23), 1396a(c)(22), 1396a(d)(4), 1397a, 1397a(d)(4), 1397b(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1316n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided under or made available to a State for payments to a prohibited entity, whether made directly to the 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 clinical providers, that provides for abortions, other than an abortion—

(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

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; 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, or 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)).

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"; 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 by inserting "and an additional $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: "and any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence;"

(C) in the following paragraph, by striking "PASS THROUGH OF FUNDING" and inserting "FUNDING;"

(D) by striking "With respect and inserting the following: "(A) PASS THROUGH OF FUNDING.—With respect;" and

(E) by adding at the end the following:

"(B) authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000, to remain available until the end of fiscal year 2019. Such amounts shall be used to provide grants to States that request financial assistance for the purpose of—

(i) submitting an application for a waiver granted under this section; or

(ii) implementing the State plan under such waiver.

(2) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking "may" and inserting "shall";

(B) by striking only;";

(3) in subsection (d)(1), by striking "180" and inserting "45"; and

(4) in subsection (f)(1) by striking "No waiver" and all that follows through the period at the end and inserting the following: "A waiver under this section—

(1) shall be in effect for a period of 8 years unless the State requests a shorter duration; (2) may be renewed for unlimited additional 8-year periods upon application by the State; and (3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2))."

The PRESIDING OFFICER (Mr. TOOMEY). The majority leader.

Mr. MCCONNELL. Mr. President, the legislation I just laid down is called the Health Care Freedom Act, and it repeals the core pillars of ObamaCare that ObamaCare took away. It does so in a number of ways.

First, the Health Care Freedom Act repeals the core pillars of ObamaCare. It eliminates the so-called individual mandate that forces many Americans to buy ObamaCare insurance they don’t want, can’t afford, or can’t use, and taxes those who don’t. It also repeals the employer mandate that cuts hours, take-home pay, and job opportunities for millions of Americans. Second, the Health Care Freedom Act provides significant new flexibility to States. The Health Care Freedom Act gives States just the kind of flexibility they need to implement reforms that provide more options for consumers to buy the health insurance they actually want.

Finally, the Health Care Freedom Act frees Americans from ObamaCare in several other ways too. It provides 3 years of relief from the medical device tax, which increases costs, hurts innovation, and has drawn significant criticism from both sides of the aisle. It expands, for 3 years, the contribution limits to health savings accounts so Americans can better manage their health costs and pay down more of their medical expenses like prescriptions with pre-tax dollars.

Also, the legislation will prioritize funding for women’s health through community health centers instead of large abortion providers and political organizations.

The American people have suffered under ObamaCare for too long. It is time to end the failed status quo. It is time to send legislation to the President which will finally move our country beyond the failures of ObamaCare. Passing this legislation will allow us to work with our colleagues in the House toward a final bill that could go to the President, repeal ObamaCare, and undo its damage.

I urge everyone to support it. Mr. President. I ask unanimous consent that Senator MURRAY or her designee be recognized to offer a motion to commit; further, that the remaining time be equally divided between the managers and their designees.

Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to commit H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate with 3 days, not counting any day on which the Senate is not in session, with changes that are within the jurisdiction of such committee.

Mr. President, after months of secret negotiations and backroom deals and shutting out patients and families and women and Democrats and even many Republicans from public know about this. Our Republican leaders continue to say they are planning to force a vote on this latest TrumpCare bill tonight—a bill even Republicans admit would throw our markets into turmoil. It is going to kick millions of people off of care, it is going to raise premiums for millions of families, it will eliminate healthcare for women across the country, and so much more—none of it good.

It does not have to be this way. In fact, Republicans can still reverse this course. They can drop this once and for all and join with Democrats to get to work to actually improve healthcare, to reduce costs, to increase access, and to improve quality. We can start over with an open, transparent process, in which both sides—Democrats and Republicans—have a voice and one in which patients and families can make sure their priorities are being addressed.
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 simply 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, we will send this 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 this bill with 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. Murphy. Mr. President, this process is an embarrassment. This is nuclear-grade bonkers what is happening here tonight.

We are about to reorder one-fifth of the American healthcare system, and we are going to do it in 2 hours. And we are going to review 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 insurance companies to price sick people the same as healthy people.

CBO says that rates go up immediately by 20 percent when, overnight, that and then 20 percent after that. So all of a sudden you can’t have the individual mandate because nobody can afford to buy the product.

There is a lot of freedom in this bill, it is just not the kind of freedom we thought was at the heart of this reform measure. This is real life. It is not a game.

I know lots of Members on the Republican side are voting for this because they have some promise that even though this bill is terrible and everybody admits it doesn’t solve any problems—it will get to a forum in which the problems can be truly solved. That is gamesmanship. That is not senatorial. That is not what this place was supposed to be. This was supposed to be the great deliberative body where we solved big problems, and this bill surrenders to the House of Representatives.

Let’s just be honest about what is going to happen when this bill gets to the House. Maybe there will be a conference committee, but it will not resolve any of the problems which have been inherent in the conference here in the Senate. In fact, those problems will get worse because you will inject the Freedom Caucus into a Republican conference here that alone wasn’t able to come to a conclusion. They will argue for a couple weeks, maybe a month, and then the House will decide to proceed with a vote on this bill.

There is nothing in the rules that looks like this bill into the conference committee once this motion is chosen. The House can pick it up out of that conference committee and move it to a vote—and they will do that because none of the problems that were solved here will be solved there.

We have seen this happen before. Remember the budget stalemate in which this hammer of sequestration was created, and the supercommittee was supposed to solve all the problems the House and the Senate couldn’t? They didn’t, and now we are stuck with sequestration—something nobody thought would happen. This is the same thing.

This will not be a hammer sufficient enough to solve the dysfunction which has always been present in this process. Thus, the conference will be doomed, and this bill will become law—raising rates for everyone, locking millions of people out of 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 to vote today. Senator MURPHY 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 rural Americans.

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 exasperated. 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 as today as it was back then. I am going to tell you what happened to the hospital. 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; 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 system 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 PRESIDENTING 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, drug 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—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 700–800, 900,000 Ohioans.

I stand with Governor Kasich. I am a Democrat. He is a Republican. He is as repulsed as I am that down this hall, Senator McConnell and Republican leadership, with the drug and insurance company lobbyists, wrote this bill.

I stand with Governor Kasich, who wants to do a simple thing: Stop this outrage instead of 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 to 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 PRESIDENTING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise in support of the motion to commit by my friend from the State of Washington. Let me tell you why.

We have a problem that most all of you have in your States, which is opioids. This opioid addiction that goes on is affecting everybody—not just Democrats, not just Republicans. I don't care whether you are poor or rich or whether you are conservative or liberal—it has no base at all; it is a silent killer.

For the first time, under the Affordable Care Act, we are able to get some treatment. We have not been able to do that before. The only treatment people have gotten before—when a parent comes to you and says: I just have to hope my child—if my child gets arrested, they can go into drug court, and maybe they can get some care, some treatment.

For the first time, through Medicaid, we can give treatment for opioid addiction. We have had this chance before, never had this opportunity. It is really lifesaving for these people. It gets them back into the workforce, too, and they can clean up their lives. They really want this done.

We are talking about 33,000 Americans who lost their lives in 2015. In any other scenario, that would be an epidemic or a pandemic. Here we go. We still don't have any adequate treatment centers. We know that we can go forward and fight this illness. We sit here and talk about it.

Now we are talking about, well, we know 16 million people are going to be thrown off. We know that we know the premiums will go up 20 percent.

Some one said: You know, you can still have preexisting conditions. We are going to take care of them. They can find it. It is available.

I have said this before: A Rolls Royce is available to me; I just can't afford to buy it. That is what we are going to be faced with.

But this is fixable. What we have said about fixable, we as Democrats—there are those of us in this body who will sit down—as Senator Murray has said—will sit down tonight. We will start tonight if you want to and look at ways we can make this more effective, more beneficial for everybody.

When you think about the reinsurance fund, we know it has worked in Alaska. The Affordable Care Act—the so-called ObamaCare—has been out long enough now that we know where the problems are, we know where the fixes need to be, and we know how to do it. We have seen Alaska do something that looks very promising.

Also, when Vice President Pence was Governor in 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.

Mr. MANCHIN, we need $12 million for a nursing home in Alaska. There is nothing to help these people 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.

The 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 MURRAY's motion to recommit. 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 everybody that country.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, this bill is an example 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 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 a small handful of creepy 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 billionnaire 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 bedeviling 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 for 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 pay $400 billion in 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 I 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 greedy 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. Give 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 could tell what 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 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 prices 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 25% 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 totally 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 us to solve other problems. Those are 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 resolve what we can do. That is why we have to end this absurd process. We have to go back to regular order, which simply means going 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.

The PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. I thank my colleague from Vermont.

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 their healthcare.

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 lose their 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 health insurance costs. Your health insurance premiums will double in about 4 years under the Republican plan.

Is that why 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 came to the floor and this is what four Senators described this plan. They had seen it, this so-called skinny repeal plan. One of the Senators said that this plan was a “fraud,” it was a “disaster,” it would have a disastrous impact on the preexisting condition. I will quickly add—because you will think, well, we expect the Democrats to say things like this. It was a vote 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 tested 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 floor of 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 legislation? None other than Senator JOHN MCCAIN.

He came to this floor a couple of days ago. It was a historic moment. Everyone—one 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.
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 people do, too.

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 said we would 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, Senator Enzi, 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. Let’s do this the right way. Let’s do it for the well-being and health of American families across this Nation.

I yield the floor.

The PRESIDING OFFICER. 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 all over 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 and Democrats—took the time to think about it and to have a process that is about to be thrown 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 they set out to do. They set their responsibilities off, to derelict their duties, and to not make legislation happen here that puts people first. We all know this process is broken. We all know that 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 of the United States even critcized what the House did and called it “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 been petrified. We have this 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 other ones worry, as we heard said tonight, 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 to our children for all. Where is the justice in this country, where some people who are favored and privileged enough and wealthy enough to afford good health coverage can have it, but for other folks, a night with a bad sore throat or, worse, with a disability or disease suffering is their justice in the wealthiest country on the planet Earth? We can’t even, in this body, come together and do what the President said in his campaign that he would do—everyone would be covered and have healthcare that—I think the quote was this—was terrific.

Well, it brings me back to what our values are as a country, and I wonder: For we who believe in life and liberty and the pursuit of happiness, how can we have life when we see millions of people about to be thrown off their health coverage? We in this Nation hold these values so dear. We believe that all are created equal and, in my body, we could harness and equal opportunities for the basics that are necessary to succeed and to compete, and that is health insurance.

I wonder how we have gotten to a point that is a point of no return. The reason this is that is not just one-sixth of our economy, that will not just affect millions and millions of lives, but that really goes to the core of who we are as a country.

This great man, Patrick Henry, said: “Give me liberty or give me death.” Those words have been coming back to me a lot in the last months of this debate and this discussion: “Give me liberty or give me death.” What is the quality of the liberty in this country, where there are people who are shackled with preventible disease and conditions that could be treated because they don’t have access to healthcare? What is the quality of liberty in this country, where people are chained to work, or sell their homes, or sell their cars, to have to sell their homes, and go into bankruptcy because they can’t afford their healthcare coverage?

“Give me liberty or give me death.” What is the quality of the liberty when people 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 values.

This is important because this is how we keep our promises to our people. This is why the words of our founders are so important to me in this time when we are trying to do both. 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 expand 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.

Ms. HIRONO. Mr. President, so many of us have spoken so many times now against the repeal of the Affordable Care Act, which would hurt millions and millions of people in our country and especially the sickest, poorest, and oldest among us.

I would say that I am probably the only Senator here who was not born in a hospital. I was born at home in rural Japan. I lost a sister to pneumonia when she was only 2 years old in Japan. She didn’t go to work, there would be no pay, there would be no money. I know what it is like to run out of money at the end of the month. That was my life as an immigrant here.

Now, here I am, a U.S. Senator. I am fighting kidney cancer, and I am just so grateful for insurance so that I could concentrate on the care that I needed rather than how the heck I was going to afford the care that is going to probably save my life.

I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan. I lost a sister to pneumonia when I was only 2 years old in Japan.

What would Jesus have done 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 be. He said it was time for the American people to stand up and say 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 led to 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 the potential that now 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 today, the words you are here tonight voting on a bill that has not had a single hearing. Why are we here tonight voting on a bill that would eliminate healthcare coverage that could save lives for 16 million people? Why are we here voting on a bill that would probably mean that people like me, millions in this country, who are now in the ranks of those receiving care with preexisting conditions will not get the healthcare we need? Why are we here tonight? Where is your compassion? Where is the care you showed me when I was diagnosed with kidney cancer and facing my first surgery. I heard from so many of my colleagues, including so many of my colleagues on the other side of the aisle, who wrote to me wonderful notes sharing with me their own experience with major illness in their families or with their loved ones.

You showed me your care. You showed me your compassion. Where is that tonight?

I can’t believe that a single Senator in this body has not faced an illness or whose family member or loved one has not faced illness who was not so grateful that they had healthcare. I cannot believe there is a single Senator who has not experienced that in their family or their lives.

I know how important healthcare is. What is in here? Why doesn’t every single Senator know that? Why are we here tonight voting on a bill that has not had a single hearing? Why are we here tonight voting on a bill that would eliminate healthcare coverage that could save lives for 16 million people? Why are we here voting on a bill that would probably mean that people like me, millions in this country, who are now in the ranks of those receiving care with preexisting conditions will not get the healthcare we need? Why are we here tonight? Where is your compassion? Where is the care you showed me when I was diagnosed with my illness?

I find it hard to believe that we can sit here and vote on a bill that is going to hurt millions and millions of people in our country. We are better than that.

I listened to John McCain calling on us to have hearings and to do the right thing, and I am so saddened he was unable to move us in that direction. I would call on him tonight to vote his conscience, to vote for us who say we are going to stand for the millions of people in our country who will be hurt by what we are contemplating tonight.

Mr. President, I will yield the floor by asking my friends to show the compassion to everybody in this country that you showed me. We all should be voting to send this bill to committee.

I yield the floor.

The PRESIDING OFFICER (Mr. SAISE). The Senator from Virginia.

Mr. Kaine. Mr. President, I also rise with my colleagues, tremendously moved by the powerful words of my town friend from Hawaii: Why can’t you show compassion to others that you showed me to that? That is a haunting ques-

and I hope people will hear that not just with their ears but with their hearts.

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.
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 reorder one-sixth of the American economy on a snap vote, in the middle of the night, without having a simple 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 minutes ago. He described the bill that is now 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 family that 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 otherwise call it fraudulently called 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.

Mr. Collins. Mr. President, few issues are as important or personal to the American people as healthcare, which is why this debate has been so fervent and why the underlying problem—escalating healthcare costs—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. This legislation, the 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 reduces the number of patients but causes women to be driven further to state governments. It also would undermine the financial stability of rural hospitals and long-term care facilities and likely lead to the loss of important consumer protections for many Americans, while doing virtually nothing to address the underlying problem of escalating healthcare costs. Earlier this week, this body struck down that proposal by a vote of 43 to 57.

On the other hand, too many Americans face skyrocketing premiums and unaffordable deductibles coupled with mandates that give them few, if any, choices. Some insurance plans have become so restrictive that families find they can no longer go to the doctor or hospital of their choice. In addition, the ACA’s mandate discourages businesses from creating jobs or giving their workers more hours, while its tax credits and subsidies are designed so poorly as to cause “wage lock”—where working harder to get ahead can instead make some Americans fall behind. Despite President Obama’s campaign promise that his health plan “would save the average family $2,500 on their premiums” per year, the opposite has happened as premiums are increasing in nearly every area and increase of 25 percent nationally last year. Today, despite the implementation of the ACA, 28 million Americans remain uninsured.

These problems require a bipartisan solution. The Democrats made a big mistake when they passed the ACA without a single Republican vote. I don’t want to see Republicans make the same mistake.

Earlier this week, I voted against proceeding to healthcare reform legislation—the American Health Care Act of 2017—that passed the House of Representatives last May without a single Democratic vote. For many Americans, this bill could actually make the situation worse. Among other things, the bill would make sweeping changes to the Medicaid Program—an important safety net that for more than 50 years has helped poor and disabled individuals, including children and low-income seniors, receive health care. The nonpartisan Congressional Budget Office, CBO, projects that the number of uninsured Americans would climb by 23 million under this bill.

Senator leaders, recognizing that the House bill did not have sufficient support, advanced their own substitute proposal that would make similar structural changes to the Medicaid program, as well as many other changes. CBO estimates that this plan would reduce the number of people with insurance by 23 million, increase premiums and other out-of-pocket costs to soar for Americans nearing retirement, and shift billions of dollars of costs to
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, comprehensive 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 and the keystone legislation for States across this country that started hearing: It is not perfect. It is not perfect. It is not perfect. It is not perfect. It is not perfect. It is not perfect.

Another way that this is deja vu is I have been listening to this. I have been having 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. I heard we were changing Medicaid. We are not changing Medicaid. I am not going to allow other time for that side. I will suggest that side of the aisle go and read the bill. I think it would be a worthwhile exercise.

Another way that this is deja vu is I remember being here on Christmas Eve when technical corrections were accepted from the other side, but you went ahead and passed the bill. We mentioned things that needed to be changed in the meantime, and we were told: No, no, that doesn’t have to be done. It just needs more time.

Well, we had more time, and there does need to be corrections. You keep talking about how the Republicans have ruined the insurance market. No, last October, the high rates came out for States across this country that pointed out that healthcare was going down the tubes. So something needed to be done. Something needed to be done, but without getting constructive suggestions from the other side—just criticism, saying ObamaCare is perfect, until this debate started, and then I started hearing: It is not perfect. It is not perfect.

Well, where are the suggestions for making it as near perfect as possible? We put up a lot of—-

Ms. HEITKAMP addressed the Chair.

Mr. ENZI. I am not asking that as a rhetorical question. Think about it for a little while, come up with constructive suggestions.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Ms. HEITKAMP. Would the Senator yield for a question?

Mr. ENZI. No, I will not yield for a question.

I keep referring to this book, which goes back to a lot of the history that we have experienced around 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 infamous 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 a 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 the insurance company was not covering 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 now off 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 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 healthcare system. We need to have both sides working with 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 R. 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 going on to us 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. I heard we were changing Medicaid. We are not changing Medicare. I am not going to allow other time for that side. I will suggest that side of the aisle go and read the bill. I think it would be a worthwhile exercise.

Another way that this is deja vu is I have been listening to this. I have been listening to the same rhetoric, saying ObamaCare is perfect, until this debate started, and then I started hearing: It is not perfect. It is not perfect.

Well, where are the suggestions for making it as near perfect as possible? We put up a lot of—-
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 cost. So they are going to be saying: We are the only one covering Wyoming, and we shouldn’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 just to 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 businesses. 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 5 years, I will cover the cost 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 it 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 these contracts that had more mandates could actually have doubled the cost of their premiums.

3. Increased costs by constricting 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 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. 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.

Mr. ENZI. I think the answer that I gave was perhaps your time might be better spent taking a look at the bill because the conversations I have heard here didn’t necessarily speak to the bill.

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.

Mrs. McCASKILL. Mr. President, will you 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.

Mrs. McCASKILL. Mr. President, will you 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 he yield?

The PRESIDING OFFICER. 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 yield for a question about the new study on the impact of ObamaCare on jobs?

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 new study on the impact of ObamaCare on jobs?

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 much.

But, at any rate, the small business health plans, after three of us who were in one 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. And I think the 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
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.

Mr. MURPHY. Maybe this time would be better used if you allowed us to ask you some questions about the plan. The PRESIDING OFFICER. The Senate will be in order.

Mr. MURPHY. Mr. President, with the President pro tempore and the Members of the Senate, we have been excited about too. But, again, we have heard so many times that the other side would love to be cooperative, 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 government. 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 bureaucrats 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 focus with the VA plan on the companies 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 appointments. If you check with the providers, you find out what kind of a terrible 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 wasn’t paid 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 won’t because we had that vote a little 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 had some people argue 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
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 some areas. One of the things he said to me was, you have to watch out for healthcare 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 wrenches.

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 calamity 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 have big in land bases, 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 that range—is cheaper than paying for all those fines and then a deductible if anything ever happens to me.

These are real people I am talking about.

Mr. SCHATZ. Mr. President, would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. ENZI. I allowed the other side to have their hour. I expect to have this hour, even if some of it is in silence.

I am interested in the tax burden. We could also eliminate some regulations. We really need to take a look at some of those regulations within the essential health benefits and see if everybody needs all of them or if there are some they would opt out of, given the opportunity. Because they know they will never need them. There are a lot of examples of that.

We could eliminate the mandates from the Federal and State. We have the elimination of the Federal mandates in this bill, both the individual mandate and the employer mandate.

We could also increase competition within the marketplace by increasing flexibility. Some of these things we can’t do, particularly to the level we would like to do them, but we could have more competition if we could increase the number of insurance companies. Competition makes a difference. I have read a number of people, though, who have suggested to me that the biggest thing we could do would be to pass the medical liability reform because doctors are practicing defensive medicine, which drives up the cost, so that if they are ever in a lawsuit, they can show that they could have done this thing 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 Senate will be in order.

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 ideas or not. I will let you out on this one. One of them is that if you don’t keep continuous coverage, you should have to pick up your own expenses for the first 6 months. That would encourage people to have continuous coverage. It is just one possible suggestion.

There is a role for government within this setting, and that is requiring some transparency within the system, encouraging the development of new healthcare competition, prevention of collusion between healthcare companies, and having prices posted.

I remember a hearing we had once—Ms. WARREN. Mr. President, will the Senator yield for a question?

Mr. ENZI. I will not. You got your hour; it is my turn.

The PRESIDING OFFICER. The Senate will be in order.

The Senator declines to yield.

The Senator from Wyoming has the floor.

Mr. ENZI. When I was chairman or when Senator Kennedy was chairman of the Health, Education, Labor, and Pensions Committee, we switched from doing hearings to doing roundtables. That was an interesting experience too. Instead of having all of the witnesses except one picked by the majority and the other one picked by the minority and then everybody coming up to beat up on the person who was in the opposite, we went to 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 those roundtables were 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 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 that back. 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 taken 10 steps to get healthcare for everyone without mandates but with incentives.

Mr. VAN HOLLEN addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. VAN HOLLEN. I wonder if the Senator would yield for a question.

The PRESIDING OFFICER. The Senate 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. The 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 and 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 (4 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, $37 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, 39,000 enrollees lost their insurance, $30 million dollars lost. Colorado CO-OP, 89,000 enrollees insurance canceled, $72 million dollars lost.

Ms. HASSAN addressed the Chair.

The PRESIDING OFFICER. The Senator will not yield.

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 Senator from Wyoming has the floor.

Mr. ENZI. Continuing:

The [Health and Human Services] and administration officials knew that the CO-OPS were risky even before they received their first “loan” in 2014. Senator ROB PORTMAN, Chairman of the Senate Permanent Subcommittee on Investigations, said that the HHS knew of serious problems concerning the failed CO-OPS enrollment strategies, pricing and financial management before the department ever approved their initial loans.

Dr. Mandy Cohen, the director of the CMS, testified before a House subcommittee that 8 of the 11 remaining CO-OPS companies were in serious financial difficulty and receiving “enhanced oversight” and “corrective action.” Dr. Cohen did not explain what that “corrective action” or “enhanced oversight” consisted of nor could she indicate the enrollment rates or whether she was actually monitoring 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.

So What are the American People Think of This?

There has been greater than $1 billion dollar loss of taxpayer money to CO-OPS that have gone bankrupt.

Only 7 of the initial 23 CO-OPS remain in business.

The CO-OPS were constructed as a way of providing competition against existing companies, however in order to do that they underpriced their products. No company can survive if they take in less than what they put out in services and understandably, the majority of CO-OPS have gone out of business.

That could be something to do with their being prohibited from having former health care executives with managerial experience.

This was known by the HHS before the first “federal loans” had ever been approved. Over 600,000 people have lost their insurance because the CO-OPS have gone out of business and there are more to come.

It speaks to the fact that the HHS and ObamaCare Administration had very little regard for the American taxpayer and the American people.

The disturbing question is whether any of the taxpayers’ money will be returned.

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 was supposed to bend the curve down. I ought to point out some facts on that as well.

From 2009 to 2012 healthcare, spending grew less than 4 percent, as spending started increasing dramatically in the first quarter of 2017, driven by the implementation of the legislation. Subsequent healthcare spending from 2015 showed a 6.8% rise. In 2016, 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.

Deductibles both inside and outside ObamaCare exchanges have increased enormously and will continue 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 to increase to over $3 trillion dollars. In 2017 we will get some updated numbers on that.

Total healthcare spending... 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 spendings are 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 money away for them, but 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.

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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. The heart 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 more access to specialty care for early diagnosis and treatment, better preventative screening, and the inventiveness of the American people.

I think it was today—my days blend together these days with this healthcare that we are working on. I was visited by a couple of young people from Wyoming who have diabetes. We have put some additional money into research. We, as a Senate, don’t say exactly where that money has to go because we are affected differently from different countries.

Both of these young people were on a pump, and I have gotten to meet Dean Kamen who invented the pump. It is kind of an interesting story. Of course, that wasn’t his first medical invention. His first medical invention was actually when he was a junior in high school. His brother was doing a residency in a hospital that handled transplants for infants. They were mentioning some devices similar to a needle in which medicine can evidently go through. This was needed for transplant of a kidney. He was lamenting they didn’t have that capability. He went down to the basement and figured out how to make one of those. That was his first patent. You probably know him more for the patents of the Segway. He built that for a specific medical purpose, which was to figure out a way to have a wheelchair that could climb stairs. Instead of building a ramp and being limited where there wasn’t a ramp, he figured out a wheelchair that could climb stairs. It could do a number of other things too. For instance, if the person in a wheelchair went to a cocktail party, they could rotate the wheels up so they were at standing level. He had a lot of problems getting it through FDA. He finally got it through FDA, then was told there were other wheelchairs that are less expensive so we are not going to pay for that. I thought, this man is going back in to do that. It is an outstanding experience to sit in a wheelchair and go downstairs with it.

He worked on this diabetic pump. It is interesting how he got into the diabetic pump. He wound pregnant women who are on insulin, if they take the insulin doses, they wind up often with babies that have a bigger head, which makes the delivery a bit more difficult. Everything changes so the head becomes larger after a period of time, but it is a problem at childbirth. He thought, what if we gave them a dose of insulin over a longer period of time; would that have an effect on the infant? So he invented a machine—this started out being a fairly good-sized machine, but it worked. If they got their insulin over a slow period of time, but sufficient insulin, the baby 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 men would have any benefit from having a diabetic pump? So he was able to have a trial and found out that also worked. He worked it down to be smaller and smaller and is working on other kinds of inventions that will do better things.

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 somebody who will figure out how to turn that into something very useful. Mr. President, I think I have been requested by Senator SCHUMER to have 2 minutes, and to have 5 more minutes by UC perhaps for others, but I would ask that at the end, Senator CORNYN be allowed 2 minutes before the vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I am asking unanimous consent that Senator CORNYN can conclude, but I am given 5 minutes and the Senator from Oregon be given 5 minutes.

Mr. ENZI. I was wrong. I need 5 for Senator CORNYN.

Mr. SCHUMER. Senator CORNYN is to speak after us.

The PRESIDING OFFICER. Is there objection to 5 minutes for both sides?

Mr. SCHUMER. No. I ask 5 minutes to the Senator from Oregon, 5 minutes to myself, and, in conclusion, 5 minutes to the Senator from Texas.

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

Mr. SCHUMER. Mr. President, I ask unanimous consent that there be given 5 minutes to the Senator from Oregon, 5 minutes to myself, and, in conclusion, 5 minutes to the Senator from Texas.

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

The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

I thank my leader, Senator SCHUMER. Colleagues, before morning, millions of Americans could be on their way to lives filled with healthcare misery, eye-popping cost increases, hollowed-out coverage, and gutted consumer protections.

Colleagues, there are already stories of Americans hoarding pills and clamoring for screenings because they fear what the future is going to bring. These are the Americans who took deep breaths of relief 7 years ago when the Affordable Care Act became law. Women were not longer penalized for their gender. Cancer survivors no longer had to worry about busting a limit on coverage and facing personal bankruptcy. Entrepreneurs with a big idea had the freedom to set out on their own, no longer tied to their employer insurance because they had a preexisting condition. Now all of them are looking at lives on hold.

The skinny repeal package makes a mockery out of the President’s promise of lower premiums. He made that promise repeatedly to the American people: no reductions in coverage, no increases in premiums. This bill makes a mockery out of that Presidential
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’s health. This measure begins able for funds that are critical for seniors are worried, kids know what is going to happen with Medicaid so seniors are worried, kids have told us to improve it. They are concerned about their mental health. This measure begins the effort to take away the right of women’s health. This measure begins able for funds that are critical for seniors.

Women’s health. This measure begins the effort to take away the right of women’s health. This measure begins able for funds that are critical for seniors.

What happens when you erode the 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 do not have those traditions.

This august body has been around for over 200 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 do not have those traditions.

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 this time.

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 not help because 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.

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 today 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.

So I would plead once more with my colleagues—these noble 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 from Senator Murray, 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 28 million people are uninsured under ObamaCare. I thought it was supposed to provide coverage for everybody, but apparently not.

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

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cooney
Collins
Corker
Cotton
Cruz
Daines
Durbin
Feinstein
Franken
Gillibrand
Baldwin
Benning
Bouck
Brown
Cantwell
Cardin
Carter Mastro
Collins
Coons
Cortez Masto
Cowan
Daines
Donnelly
Duckworth
Durbin
Fischer
Gardner
Gillibrand
Blunt
Bennet
Booker
Brown
Cantwell
Cardin
Carter Mastro
Collins
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken
Gillibrand

NAYS—52

Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carter
Collins
Coons
Cortez Masto
Donnelly
Duckworth
Durbin
Feinstein
Franken
Gillibrand

The amendment (No. 667) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that H.R. 1628 be returned to the calendar.

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

HEALTHCARE

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 on saying 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 look forward to our conversations 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 said to my dear friend the majority leader that we are not celebrating. We are relieved that millions and millions of people 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, we are very, very, very close. 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 well 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 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 said, 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.

The PRESIDING OFFICER. 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 on 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.

CLOTURE MOTION

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

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of 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 manditory 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 community and support our country.

However, the immense burden of student loan debt is not put on public service work. The Public Service Loan Forgiveness Program and the Servicemember Civil Relief Act protect federal workers and members of the military. But people who serve our Nation in the military or public service. Recognizing this, the Federal Government established two ways to alleviate some of this burden for those who serve our country.

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 prior to 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 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 Health, Education, Labor and Pensions, 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. 254 and this 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 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 301 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)

<table>
<thead>
<tr>
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<th>2017</th>
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BUDGET AGGREGATE—REVENUES

(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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REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(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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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 interference in our elections, 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, multilateral 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, non-nuclear 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 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, 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 an abortion to chattel slavery, advocated the use of torture, and used language from 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 refused to do so, which is why I urge my colleagues to vote against his nomination.
hearing. Mr. Bush said that his, “personal views are irrelevant to the position for which [he has] been nominated.” I do not believe that hundreds of crude, insensitive, and hateful posts, widely shared on the internet, are irrelevant to analyzing a candidate’s suitability for federal justice. Mr. Bush’s writings and statements make me question if he could apply the law evenly and without bias.

Every judge takes the oath of justice and swears to “administer justice without respect to persons, and do equal right to the poor and to the rich,” and to “faithfully and impartially discharge and perform all the duties incumbent upon them. Based on Mr. Bush’s own statements, I am not confident that he will uphold that oath.

TRIBUTE TO LES AND EVA AIGNER

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 and shared how they survived Nazi atrocities and went on to live in Portland, finding belonging and making a life in Portland, finding love and raising families.

Eva born in Czechoslovakia. In his case, the Holocaust. The rest of Eva’s extended family, who remained in Czechoslovakia, with the exception of one cousin, did not survive the Holocaust.

Les finally regained his health, he made his way back to Budapest, where he reunited with his father and older sister. Most of their other family members had been killed.

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. Les and 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.

After the war, both Eva and Les began to rebuild their lives in Budapest. They finished school and joined the workforce. Les as a machinist and Eva as an office worker at a collective fur company. In 1956, Les and Eva’s father, Les Aigner, were unable to support his daughter, Eva’s colleague, who happened to be a distant relative of Les. Les and Eva quickly became engaged and were married only 59 days later. When the Hungarian Revolution began against the Nazi regime, the death and pain they suffered in the name of hate, discrimination, and fear. In Eva Aigner’s own words, ‘Discrimination can start with little things. It can start with as much as racial jokes or religious jokes. It can start with just small hatred which can grow... The way to fight is to educate the young people. To let them know what discrimination can do. And how innocent people can get killed and go through such terrors... and have their family pulled from their lives.’

We must not forget; we must educate. We must educate ourselves and each other so that nothing like the horrors of the Nazi regime will ever happen again. Les and Eva Aigner have dedicated their lives to exactly that, and that is why I am so incredibly grateful to honor them today, for their strength, their compassion, their generosity, and their willingness to educate and make Oregon, our country, and our world a more tolerant, safer, and better place.

For that reason, I offer both Les and Eva Aigner my deepest affection and warmest thanks for using their voices to teach generations to come to never, ever forget.

TRIBUTE TO DR. JOSEPH T. “TIM” ARCANO

Mr. CARDIN. Mr. President, I wish to commend Dr. Joseph T. “Tim” Arcano, technical director for Naval Surface Warfare Center, NSWC, Carderock Division, who is retiring after a lifetime
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 civilian 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 mechanical engineering, while 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, the Virginia-Class Submarine Program, as technical authority for advanced submarines at Naval Sea Systems Command, NAVSEA, and as a program manager at the Defense Nuclear Facilities Safety Board, Dr. Arcano developed and built submarines, few that 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 Nuclear 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 as he took the helm of a campus of over 3,000 employees. His impact has been magnified by his commitment to STEM education and developing the next generation of scientific leaders. Under Dr. Arcano’s leadership, employees at NSWC Carderock have mentored countless high school and college students, even reaching to our youngest developing scientists by leading elementary students in FIRST Robotics clubs. Dr. Arcano “walks the walk” himself, giving greatly of his own time by taking interns under his wing to offer advice and helping them chart their path, wherever that might lead.

As part of his encouragement of STEM education, Dr. Arcano and NSWC Carderock have continued to host the International Human Powered Submarine Races. Teams from not just corporations and research centers, but from universities and even high schools come from around the world to race their independently built one- or two-person submarines through a course at the historic David Taylor Model Basin at Carderock. For 2 years, these competitors learn about hydrodynamic design, propulsion, underwater life support, materials science, and other scientific principles in designing 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’s dedication to 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 STEM education, service to our country, 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 sons, Greg, Joseph, and Justin—and 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 aquatic culture, and led a long career protecting fish and wildlife and their habitats.

Cindy worked for a private environmental consulting firm and held positions with State, 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 Consultation 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 30 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, cattlemen, and local elected officials, including the Association of Arkansas Counties’ Conservation and 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 petitioned for Federal protection in the past several years. She and her team worked closely with many partners to restore more than 1 million acres of bottomland hardwood habitat in the South that is critical for migratory waterfowl and other wildlife in decline. Cindy was remarkably effective in large part because she recognized and emphasized the little things while building relationships that often had big implications and made conservation successes possible on larger scales.

I applaud Cindy for her dedication to public service and the lasting difference that she has made at the U.S. Fish and Wildlife Service. I am hopeful FWS will continue to build on her cooperative conservation legacy. I ask that my colleagues join me in expressing our sincere appreciation and gratitude for her public service and wishing Cindy 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 Congress to our Federal partners 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 creeds that animates 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 Platte County Economic Development Board of Directors, as chairman of the Wyoming Agriculture Hall of Fame, and as a member of the Wyoming Stock Growers Land Trust Board of Directors. 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 that a 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 officer is renowned across the State.

Selecting a member of the Wyoming Agriculture Hall of Fame is about entrepreneurial and academic pursuits, and an understanding financial officer is renowned across the State. 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 SKIP WALTERS
- Mr. DAINE. Mr. President, this week, I have the distinct honor of recognizing Skip Walters of Great Falls for a tremendous radio broadcasting career. Last week, Skip retired after providing over four decades of entertainment to his fellow Montanans. It was great to be interviewed by Skip on several occasions; he was always professional and never phoned in. Skip originally came to Montana while serving our Nation in the U.S. Air Force during the early 1970s, and his media journey began in Miles City on the same weekend as the annual Buckle Up for Breast Cancer Sale in 1976. During his early days in Custer County, he broadcast mostly rock-and-roll tunes and covered local sports, on KATL radio for the folks in eastern Montana. Three years later, an opportunity in his industry brought Skip to Great Falls. It was in Great Falls that Skip would further refine his skills by broadcasting country music to the listeners in Cascade County and the surrounding communities of central Montana. His 41-year career in the radio business culminated at KMON radio in Great Falls, where he broadcast for 27 years.

Among his accomplishments, Skip was recognized in 2008 by the Journalism Education Association as a “Friend of Scholastic Journalism.” When asked about the circumstances that inspired him to begin a career in radio, Jim stated “it’s all about the music.” Skip’s love of music has been an acoustic blessing to many in the Treasure State.

From helping to guard the intercontinental ballistic missile fields in the center of the State, to broadcasting good tunes across an even larger swath of the State, Skip has had a good journey. As he begins to enjoy his retirement, I would like to offer my thanks for his service to our Nation and appreciation for the artistic entertainment he provided to our State.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Mr. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

The messages received today are printed at the end of the Senate proceedings.

MESSAGES FROM THE HOUSE
At 10:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2370. An act to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and conveyance.

At 5:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate 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.

Congressional Record — Senate July 27, 2017

EMERGED BILL SIGNED
At 6:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3298. An act 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.

MEASURES REFERRED
The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1927. An act to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes.

H.R. 2370. An act to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and conveyance.

H.R. 3210. An act to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3210. An act to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3210. An act to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes; to the Committee on Energy and Natural Resources.
REPORTS OF COMMITTEES

The following reports of committees were received:

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. 115-137).

By Ms. COLLINS, from the Committee on Appropriations, without amendment:
S. 1653. 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. 115-139).

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 Acquistion, 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.

Nominated:
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 Lubbers: **Please see Attachment B.** Paul Lubbers. 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**

<table>
<thead>
<tr>
<th>Donor Name</th>
<th>Date of Donation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia Republican Party</td>
<td>1/17/2001</td>
<td>$600.00</td>
</tr>
<tr>
<td>Georgia Republican Party</td>
<td>6/24/2004</td>
<td>$600.00</td>
</tr>
<tr>
<td>Michael J. Field</td>
<td>2/28/2005</td>
<td>$250.00</td>
</tr>
<tr>
<td>Lynn A. Westmoreland</td>
<td>11/2/2007</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Thomas Libby</td>
<td>9/20/2007</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>John S. McCain</td>
<td>8/31/2008</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Next Exploit</td>
<td>3/24/2011</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Next2012</td>
<td>3/22/2011</td>
<td>$250.00</td>
</tr>
<tr>
<td>Citizens for Vince Haley</td>
<td>8/13/2011</td>
<td>$500.00</td>
</tr>
<tr>
<td>Donald J. Trump for President</td>
<td>6/26/2016</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Republican National Committee</td>
<td>9/19/2016</td>
<td>$200.00</td>
</tr>
<tr>
<td>Judi Bass for Congress</td>
<td>12/8/2016</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

**ATTACHMENT B: FEDERAL CAMPAIGN CONTRIBUTION REPORT**

**KATHY GINGRICH LUBBERS**

<table>
<thead>
<tr>
<th>Donor Name</th>
<th>Date of Donation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marie Davis-Bartt</td>
<td>5/22/2008</td>
<td>$250.00</td>
</tr>
<tr>
<td>Lincoln Davis-Bartt</td>
<td>5/22/2008</td>
<td>$250.00</td>
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</table>

**JACKIE GINGRICH CUSHMAN**

<table>
<thead>
<tr>
<th>Donor Name</th>
<th>Date of Donation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>George W. Bush</td>
<td>2/23/2004</td>
<td>$1,000.00</td>
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<tr>
<td>Samuel E. Littie</td>
<td>9/26/2010</td>
<td>$250.00</td>
</tr>
<tr>
<td>Robert Smith</td>
<td>9/24/2014</td>
<td>$250.00</td>
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**ATTACHMENT C: FEDERAL CAMPAIGN CONTRIBUTION REPORT**

**AMERICAN LEGACY PAC CONTRIBUTIONS TO FEDERAL CANDIDATES—2016 CYCLE**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Rounds</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Ben Sasse</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Tim Scott</td>
<td>$1,000.00</td>
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<tr>
<td>Ron Johnson</td>
<td>$1,000.00</td>
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<tr>
<td>Monica Wehby</td>
<td>$1,000.00</td>
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**DONATIONS TO REPUBLICAN SENATE CANDIDATES—Continued**

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>Richard Allen</td>
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</tr>
<tr>
<td>Paul Broun</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Marsha Blackburn</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Rod Blum</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>James Lankford</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>$2,500.00</td>
</tr>
<tr>
<td>Troy Goodby</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Will Hurd</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Mo Lee</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Bruce West</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Martha McSally</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Jeff Flake</td>
<td>$2,500.00</td>
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<tr>
<td>Stewart Mills</td>
<td>$2,500.00</td>
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<tr>
<td>Dave Trott</td>
<td>$2,500.00</td>
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<tr>
<td>Claudia Tenney</td>
<td>$2,500.00</td>
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<tr>
<td>Jon Tester</td>
<td>$2,500.00</td>
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<tr>
<td>Lee Zeldin</td>
<td>$2,500.00</td>
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**DONATIONS TO REPUBLICAN HOUSE CANDIDATES**

<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>Roy 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>Joni Ernst</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>Marcy Phelan</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Kathy Sansig</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Pat Tuanney</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>

**Kelli Knight Craft, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada. Nominee: Kelli Knight Craft. Post: Ottawa, Canada.**

(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.)
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; 7/11/2014, $2,700.00, 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, $10,000.00, Illinois Republican Party; 7/14/2016, $10,000.00, Mississippi Republican Executive Committee; 7/14/2016, $33,400.00, Republican National Committee; 8/10/2016, $2,256.25, Alabama Republican Party; 8/10/2016, $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; 8/10/2016, $2,700.00, 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, Connecticut Republican Party; 9/15/2016, $2,256.25, California Republican Party Federal Acct; 9/15/2016, $7,743.75, California Republican Party Federal Account; 9/15/2016, $2,256.25, West Virginia Republican Party; 9/15/2016, $7,743.75, Republican Party of Virginia 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, Connecticut Republican Party; 9/30/2016, $7,743.75, South Carolina Republican Party; 10/27/2016, $2,256.25, Republican Party of Minnesota-Federal; 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, Republican National Committee; 2. Spouse: Joseph Walton Craft III—Direct Contributions to Federal Committees: 3/18/2013, $250,000.00, American Crossroads; 3/20/2013, $1,000,000.00, American Crossroads; 3/28/2014, $500,000.00, American Crossroads; 5/4/2013, $100,000.00, Kentuckians for Strong Leadership, 12/20/2013, $100,000.00, American Crossroads. Only Committees: 5/4/2013, $100,000.00, Kentuckians for Strong Leadership; 9/30/2014, $5,000.00, COALPAC, A Political Action Committee of the National Mining Association; 1/29/2015, $2,500.00, Guthrie For Congress; 1/29/2015, $7,200.00, Guthrie, S.; Brett Hon. via Guthrie for Congress; 2/20/2015, $2,700.00, Landford, James Paul Via Families for Freedom PAC; 4/2/2015, $5,000.00, Alliance Coal, LLC PAC; 7/11/2015, $5,000.00, American Crossroads; 7/11/2015, $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; 5/25/2016, $1,000,000.00, Republican National Committee; 3/28/2016, $1,000,000.00, Republican National Committee; 3/28/2016, $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; 6/7/2015, $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; 5/25/2016, $1,000,000.00, Republican National Committee; 3/28/2016, $1,000,000.00, Republican National Committee; 3/28/2016, $5,000.00, COALPAC, A Political Action Committee of the National Mining Association; 3/1/2016, $5,400.00, Blunt, Roy Via Friends of Roy Blunt; 1/12/2016, $2,700.00, Comer, James Via James Comer for Congress; 5/25/2016, $2,700.00, Atkinson, Thomas M. via Tom Atkinson for Congress; 6/6/2016, $5,600.00, Republican National Committee 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 Senate; 7/11/2016, $2,700.00, Paul, Rand Via Rand Paul for 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; 9/13/2016, $2,700.00, Heck, Joe via Friends of Joe Heck for Congress; 9/13/2016, $2,700.00, Crowder, Ted Via Friends of Ted Yoho, Inc.; 9/13/2016, $2,700.00, Colestorm, Barbara J; Honorable via Comstock for Congress; 9/29/2016, $5,000.00, Chamber of Commerce of the United States of America PAC (US Chamber PAC). Contributions to Independent Expenditure–Only Committees: 1/2013, $100,000.00, Kentuckians for Strong Leadership; 12/20/2013, $100,000.00, American Crossroads; 3/28/2014, $100,000.00, Kentuckians for Strong Leadership–Leadership Committee Crossroads; 5/6/2014, $25,000.00, USA Super PAC; 6/27/2014, $300,000.00, Ending Spending Action Committee; 9/15/2014, $250,000.00, American Crossroads; 9/30/2014, $250,000.00, Priorities for Iowa Political Fund; 6/06/16, $5,000.00, Tom Emmer Victory Committee; 2/05/2016, $100,000.00, Kentuckians for Strong Leadership; 9/28/2016, $125,000.00, Congressional Leadership Fund; 9/28/2016, $750,000.00, Future5.


5. Kyle O'Keefe Craft—Stepson: No contributions to report.


7. Sisters and Spouses: n/a.

8. Brothers and Spouses: Benjamin D. Craft, of Tennessee; $500.00, 5/4/2012, David McIntosh for Congress.

Contributions, amount, date, and done: Sharon Day: $200.00, 2/24/2016, Allen West via Deep Strike PAC; $500.00, 10/15/2013, Jeremy Kelly for Congress; $1000.00, 1/27/2017, Maggie's List; $10,000.00, 6/28/2013, Republican National Committee; $1000.00, 1/28/2014, Terri Lynn Land for Congress, Inc. $2,100.00, 7/1/2014, Veon, Monica via Monica Vernon for Congress; $98,142.43, 9/14/2013, Jensen, Elisabeth via Elisabeth Jensen for Congress; $250.00, 1/2/2013, Jensen, Elisabeth via Elisabeth Jensen for Congress; $20,000.00, 11/16/2012, Jim Messina for Congress; $3,000.00, 2/28/2013, Congressman Steve Daines via Steve Daines for Montana; $5,200.00, 7/15/2011, 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: self: $1,000.00, 3/14/2011, Tom Cotton for Senate; $500.00, 6/30/2012, Ted Cruz for Senate; $5000.00, 5/4/2012, David McIntosh for Congress.

2. Spouse: $500.00, 3/15/2016, Hillary for America; $250.00, 10/18/2016, Denise Githeah for Congress.

3. Parents and Spouses: Anna R. Sales, None; Catherine E. Sales, None; Ashley Sales, None; Marsha G. Sales, None.

5. Grandparents: Deceased.

6. Brothers and Spouses: Benjamin D. Sales, None.

7. Sisters and Spouses: n/a.

*George Edward Glass, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.*

Nominated: George Edward Glass. 

(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.)
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. * Robert Wood Johnson IV, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Robert Wood Johnson IV.


(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, donee, date, and amount:

1. Self: Trump Victory*, 11/10/16, $249,200.00; Trump Victory*, 10/27/16, $10,000.00; Friends of Joe Heck, 10/16/16, $2,700.00; Gridiron PAC, 10/14/2016, $5,000.00; Portman, Rob via Portman for Senate Committee, 8/3/2013, $2,700.00; Donald J. Trump for President, 8/2/2016, $2,500.00; Donald J. Trump for President, Inc., 6/29/2016, $2,700.00; Trump Victory*, 6/29/2016, $100,000.00; Friends of Kelly Ayotte, Inc., 6/29/2016, $2,700.00; Liz Cheney via Friends of Kelly Ayotte, Inc., 6/29/2016, $2,700.00; Liz Cheney for Congress, 6/20/2016, $2,700.00; Richard and Brigid Glass—None; Robert M. Glass—Deceased.

2. Spouse: Mary Elizabeth Arreaga—Deceased; Richard (Son): None; Walter Arreaga (Grandfather): None; Hazel Havens, None.

3. Children and Spouses: Matthew Arreaga, None; Kenneth Arreaga, None; Brian Arreaga, None; Karen Arreaga, None; Joseph Arreaga, None; Jared Arreaga, None; Richard Arreaga, None; Katelyn Arreaga, None; Joshua Arreaga, None; Juan Carlos Arreaga (Son): None.

4. Parents: Leocadia Arreaga (Grandmother): None; Walter Zimmerman (Deceased), None; Hazel Havens, None.


7. Sisters and Spouses: N/A.

Contributions: amount, date, and donee:

1. Self: (KPAC), $1,875.00, 06/14/13, John Collin; $1,875.00, 06/14/13, Mitch McConnell; $1,875.00, 06/14/13, Susan Collins; $1,875.00, 06/14/13, Lamar Alexander; $1,000.00, 12/13/13, Lindsey Graham; $1,000.00, 03/20/14, Susan Collins; $1,000.00, 09/15/14, Winning Women for the Senate; $1,000.00, 08/31/15, Retain the Senate; $1,000.00, 09/25/15, Rob Portman; $1,000.00, 09/15/16, Mitch McConnell; $1,000.00, 04/26/16, Kelly Ayotte; $1,000.00, 10/15/16, Pete Sessions; $2,188.25, 11/01/16, Richard Burr In-Kind; $1,000.00, 06/23/17, Orrin Hatch.

* Kay Bailey Hutchison, of Texas, to be U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary. Nominee: Kay (Kathryn) Bailey Hutchison. Post: Ambassador to NATO.

(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: None.

2. Spouse: Mary Pidelis Arreaga; None.

3. Children and Spouses: Rita Arreaga (Daughter): None; Spouse: Vincent Bauermeister; None; Juan Carlos Arreaga (Son): None; Luis Mikel Arreaga (Son): None.

4. Grandparents: Name Unknown (Grandfather); None; Leocadia Arreaga (Grandmother); None; Urbanas Rosas (Grandfather); None; Dolores Rodas: None.

5. Brothers and Spouses: Antonio Arreaga (Brother); None; Loren Arreaga (Spouse): None.

6. Sisters and Spouses: Melania Morales; None; Marcelo Morales (Spouse): None.

7. Parents: R. R. U. Arreaga, None; Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.


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, donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Kathryn Kamala U. Arreaga; None; David Raja U. Arreaga, None.

4. Parents: Subara Venkatarama U. Arreaga (Deceased), None; Helen Harriet U. Arreaga (Deceased), None.

5. Grandparents: Acutha Subaraj U. Arreaga (Deceased); Puttama Narashappa (Deceased), None; Walter Zimmerman (Deceased), None; Hazel Harriet (Deceased), None; Jeffrey Kamala U. Arreaga, None; Spouse Allison U. Arreaga, None.

6. Brothers and Spouses: Sheshi U. (half brother from India, Deceased), None; Walter Krishna U. Arreaga (Deceased), None; Jeffrey Kamala U. Arreaga, None; Spouse Allison U. Arreaga, None.


* Lewis M. Eisenberg, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica, with the rank and status of Career Envoy Extraordinary and Plenipotentiary, and without additional compensation as Ambassador Extraordinary and Plenipotentiary.
of the United States of America to the Republic of San Marino.

Nominee: Lewis Michael Eisenberg. Pose a threat to Italy.

(If any of 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 information contained in this report is complete and accurate.)

Committee Account, Date, and Donor:

1. Self: $10,000.00, 01/25/13,

2. Spouse: Judith Eisenberg, $2,600.00, 08/21/16, Friends of Congress;

3. Children and Spouse Richard (Lisa) Eisenberg; Goodwyn, $1,000.00, 06/23/16, Trump Victory;

4. Parents—Deceased: Seymour Eisenberg;

5. Grandparents—Deceased: Louis & Lena Land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. RUBIO:

Mr. WHITEHOUSE:

By Mr. WARNER (for himself, Mr. VANDERMERK, and Mr. BURBETT):

By Mr. LANKFORD:

By Ms. HIRONO (for herself, Mrs. GILLIBRAND, Mr. COCHRAN, and Ms. BALDWIN):

By Mr. YATES:

By Mr. WARNER (for himself, Mr. SCOTT, Mr. JOHNS, Mr. ROBINSON, and Mr. SADLER):

By Mr. REED (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. BROWN, Mr. WAREN, Mr. MARKAY, Mr. FRANKEN, and Mr. BOOKER):

S. 1650. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER (for himself, Ms. DUCKETT, Mr. COCHRAN, and Ms. BALDWIN):

S. 1647. A bill to require the appropriate Federal banking agencies to treat certain non-significant investments in the capital of unconsolidated financial institutions as qualifying capital instruments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LANKFORD:

S. 1648. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2018, and for other purposes; to the Committee on Appropriations; placed on the calendar.

By Mr. LEE (for himself, Mr. CRUZ, and Mr. SASSI):

S. 1649. A bill to help States combat abuse of occupational licensing laws by economic incentives, to promote competition, to encourage innovation, to protect consumers, and to facilitate the restoration of antitrust immunity to State occupational boards, and for other purposes; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. BROWN, Mr. WAREN, Mr. MARKAY, Mr. FRANKEN, and Mr. BOOKER):

S. 1650. A bill to authorize the Secretary of Health and Human Services to award grants to enhance the access to, and growth of, new health care delivery services that are focused on women’s health care services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mrs. HASAN, and Mr. WHITEHOUSE):

S. 1651. A bill to provide for temporary financing of short-term compensation programs; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 1641. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit certain administrative actions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER (for himself, Mr. TOOMY, Mr. PETERS, and Mr. DAINES):

S. 1642. A bill to amend the Revised Statutes, the Home Owners’ Loan Act, the Federal Deposit Insurance Act, and the Federal Deposit Insurance Corporation Act to require the rate of interest on certain loans to be declared prior to transfer of the loan, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURKE (for himself, Mr. ISAKSON, Mr. HELLER, Mr. ROBERTS, and Mr. ENZI):

S. 1643. A bill to amend the Internal Revenue Code of 1986 to prohibit the Commissioner of the Internal Revenue Service from hiring any employee of the Internal Revenue Service who was involuntarily separated from service for misconduct; to the Committee on Finance.

By Mr. CARDIN (for himself and Mr. RYAN)

S. 1644. A bill to clarify the status of the Captain John Smith Chesapeake National Historic Trail as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 1645. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 1646. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER (for himself, Ms. DUCKETT, Mr. COCHRAN, and Ms. BALDWIN):

S. 1647. A bill to require the appropriate Federal banking agencies to treat certain non-significant investments in the capital of unconsolidated financial institutions as qualifying capital instruments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LANKFORD:

S. 1648. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2018, and for other purposes; to the Committee on Appropriations; placed on the calendar.

By Mr. LEE (for himself, Mr. CRUZ, and Mr. SASSI):

S. 1649. A bill to help States combat abuse of occupational licensing laws by economic incentives, to promote competition, to encourage innovation, to protect consumers, and to facilitate the restoration of antitrust immunity to State occupational boards, and for other purposes; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. BROWN, Mr. WAREN, Mr. MARKAY, Mr. FRANKEN, and Mr. BOOKER):

S. 1650. A bill to authorize the Secretary of Health and Human Services to award grants to enhance the access to, and growth of, new health care delivery services that are focused on women’s health care services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. CASEY, Mrs. GILLIBRAND, Mrs. HASAN, and Mr. WHITEHOUSE):

S. 1651. A bill to provide for temporary financing of short-term compensation programs; to the Committee on Finance.
By Mrs. MURRAY (for herself, Mr. BROWN, Mr. FRANKEN, Mr. DURBIN, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Ms. WARREN, Mr. BLUMENTHAL, Mr. GIILIBRAND, Ms. HARRIS, Ms. BALDWIN, Mr. LEAHY, Mr. BOOKER, Mr. SANDERS, Ms. HIRONO, Mr. VAN HOLLEN, Mr. CASHEY, and Mr. WYDEN):

S. 1663. 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. BLUMENTHAL, Mr. BROWN, Mr. FRANKEN, Mrs. GIILIBRAND, Ms. HIRONO, Mr. MENENDEZ, Ms. WARREN, and Mr. MARKEY:

S. 1663. 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, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. FRANKEN, Mrs. GIILIBRAND, Ms. HIRONO, Mr. MENENDEZ, Ms. WARREN, and Mr. MARKEY):

S. 1663. 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. LEYHAN (for himself and Mr. LEAHY):

S. 1663. A bill to amend title I of the Social Security Act, to improve the protection for 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.

By Ms. COLLINS:

S. 1664. A 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; from the Committee on Appropriations; placed on the calendar.

By Mr. BLUMENTHAL:

S. 1665. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide cybersecurity protections for medical devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEYHAN (for himself and Mr. LEAHY):

S. 1665. A bill to amend title I of the Social Security Act, to improve the protection for 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.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 1668. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to provide states, as appropriate, with 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.

By Mr. DURBIN (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mrs. GIILIBRAND, and Mr. FRANKEN):

S. 1669. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mrs. FEINSTEIN, and Mr. WARNER):

S. 1669. 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 Rules and Administration.

By Mr. WHITEHOUSE (for himself, Mr. TESTER, Mr. PETERS, Ms. WARREN, and Mr. MENENDEZ):

S. 1669. 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. Kaine):

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. BENTHOLD:

S. 1665. A bill to authorize the State of Utah to select certain lands that are available for disposal by the Energy 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. 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 Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Ms. DUCKWORTH):

S. 1667. A bill to amend the Public Health Service Act to provide for the extension of provisions for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1668. A bill to rename a waterfront in the State of New York as the “Joseph Sanford Jr. Channel”; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER:

S. 1669. A bill to provide mandatory funding for the remediation of National Priority List sites, certain abandoned coal mining sites, and formerly used defense sites, and for the Formerly Utilized Sites Remedial Action Program and the Diesel Emissions Reduction Program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself and Mr. HENRICH):

S. 1670. A bill to require the Secretary of Energy to establish a program to increase participation in community solar and the receipt of associated benefits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. 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, Mr. COTTON, Ms. SHARER, Mr. INDOFE, Ms. WARREN, Mr. BLUMENTHAL, Mr. KING, Mr. CRUZ, Mrs. GIILIBRAND, Mrs. MCCASKILL, Mr. WICKER, Mr. DONNELLY, Mr. NELSON, Mr. SULLIVAN, Mr. TILLIS, Mr. REED, Mr. ROUNDS, Mr. GRAHAM, Mr. Kaine, Ms. HIRONO, Mr. PETERS, Mr. Sasse, Mr. PERRY, Mrs. FISCHER, Mr. STRANGE, and Mr. HENRICH):

S. Res. 234. A resolution recognizing the contributions of the Sailors and Marines who sacrificed their lives for ship and shipmates while fighting the devastating 1967 fire onboard USS 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 cyber 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. GIILIBRAND, Ms. HASSAN, and Mr. WHITEHOUSE):

S. 1651. A bill to provide for temporary, limited, limited-employment public service jobs and loan and loan for 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
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 protection for Americans' 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. LEAHY. 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 review 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, text messages, and other electronic documents stored in the cloud. This is what the Constitution requires; and this is what Vermonters, Utahns, 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 our laws properly 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 statues. 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, for 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. 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 Electronic Frontier Institute, the ACLU, the Constitution Project, New America’s Open Technology Institute, the Electronic Frontier Foundation, the American Library Association, the Center for Democracy & Technology, 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 Congressman 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 CONyers 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 eliminate the fact that the bill would not 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 political amendments and 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 believe 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. 1598. 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 and thrive in an inclusive 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; more likely to vote; 78 percent more likely to volunteer regularly in their communities; 81 percent more likely to be enrolled in college; 90 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 $12,000 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 for every $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 her schoolwork. 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 funding 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 opportunities.

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 to 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 purposes 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. 136. 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 or 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’—

(A) means a high-need local educational agency, high-need school, or local government entity; and

(B) may include a partnership between an entity described in subparagraph (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) 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. 1144a).

(7) SCHOOL-BASED MENTORING.—The term ‘school-based mentoring’ means a structured, managed, evidence-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, group-based sessions, and educational and work-related activities on a regular basis to prepare at-risk students for success in high school, postsecondary education, and the workforce.

(8) SCHOLL-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 and post-secondary 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 mentorship programs;

(C) provide at-risk students with a positive relationship with a skilled adult offering support and guidance; and

(D) improve the academic achievement of at-risk students.

(2) IN GENERAL.—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 (1)A(ii); 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 partnerships 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; and

(v) cultural competency;

(vi) confidentiality requirements for working with children and youth in foster care; and

(vii) working in coordination with a public school during the school year, in order to enhance academic achievement and to improve workforce readiness.

(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-to-one contacts between students in the program and their mentors;

(iv) the average attendance of students enrolled in the program;

(v) data on the additional 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 technical assistance and other resources to support grantees under this section as they provide mentoring and community service-related activities 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 2018 through 2023.

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 and 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 usurious interest rates in America since colonial times;

(2) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized rate cap for servicemembers and their families for 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 law, safe harbor laws for specific forms of credit, and the exportation 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 interest rates were developed in all 50 States and created a net benefit to consumers and the economy.

SEC. 3. DEFINITION.

‘‘Consumer loans’’ means any consumer loan with a principal balance of $1,000 or less, excluding loans for working capital, the purchase of furniture, and small dollar loans.

SEC. 4. LIMITATION ON INTEREST RATES.

(a) LIMITATION.—Consumer loans shall be limited to 36 percent annualized interest rates.

(b) BENCHMARK.—The 36 percent annualized rate shall be based on the current benchmark interest rates.

(c) PHASE-IN PERIOD.—The 36 percent annualized interest rate limit shall be phased in over 4 years as follows:

(1) 39 percent annualized interest rates in 2018;

(2) 36 percent annualized interest rates in 2019;

(3) 33 percent annualized interest rates in 2020;

(4) 30 percent annualized interest rates in 2021.

SEC. 5. ENFORCEMENT.

(a) enumeration of amount and alternates.

(b) enforcement of law.

SEC. 6. REPORT.

(a) enforcement of law.

(b) enforcement of law.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) 2018 through 2021.

(b) 2018 through 2021.

(c) 2018 through 2021.

(d) 2018 through 2021.
or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

SEC. 3. NATIONAL MAXIMUM INTEREST RATE.

amended by adding at the end the following:

"SEC. 140B. MAXIMUM RATES OF INTEREST."

as 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 that 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 adjust the amounts of the tolerances 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.

"(4) 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)).

"(5) NO EXEMPTIONS PERMITTED.—The exemption authority of the Bureau under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127.

"(6) DISCLOSURE OF FINANCE CHARGE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under subsection (b)(1), the Bureau may prescribe regulations requiring disclosure of the fee and interest rate established under this section.

"(7) 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.

"(8) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under this section or section 130(a), 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, without the statute 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.

"(9) VIOLATIONS.—Any person who 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) $10,000.

"(10) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief."

SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.

"SEC. 141. Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking—"the total finance charge expressed" and inserting "the total finance charge, 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 the elderly from egregious 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, unreasonable 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 to the waterway map, regulation, document, paper, or other designated as 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 older and middle-aged working seniors, 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 the Secretary of Labor in regard to employees for 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 New Hampshire (Mr. Hampshire) was added as a cosponsor of S. 1146, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.
S. 1196
At the request of Mrs. Sullivan, the names of the Senators from Wisconsin (Mr. Johnson) and the Senator from Kentucky (Mr. Paul) were added as cosponsors of S. 1196, a bill to expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.
S. 1311
At the request of Mr. Cornyn, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. 1311, 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 Mrs. Hirono, the name of the Senator from Hawaii (Ms. Hirono) 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. 1505
At the request of Mr. Lee, the names of the Senators from Idaho (Mr. Risch) and the Senator from Wisconsin (Mr. Johnson) were added as cosponsors of S. 1505, a bill to provide that silencers be treated the same as firearms accessories.
S. 1532
At the request of Mr. Thune, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1532, 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. 1598
At the request of Ms. Klobuchar, the name of the Senator from Connecticut (Mr. Blumenthal) was added as a cosponsor of S. 1598, a bill to designate a waterway in the State of New York as the “Mr. Schumers Bar Channel”.
S. 1698
At the request of Mr. Toomey, the name of the Senator from South Carolina (Mr. Scott) was added as a cosponsor of S. 1698, a bill to impose sanctions with respect to the Democratic People’s Republic of Korea, and for other purposes.
as cosponsors of S. 1598, a bill to amend title 38, 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. CASSEY) 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 pernicious 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. 1623

At the request of Mr. DUR Bin, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1623, a bill to amend the Servicemembers Civil Relief Act 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. DUR Bin, 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 protecting 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. CORкер), 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. Kaine, the name of the Senator from Hawaii (Ms. HIRONO) 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 New Hampshire (Ms. SHAHEEN) 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. 276

At the request of Mr. Warren, the name of the Senator from New Hampshire (Ms. 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. B ALDWIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 280 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. 281

At the request of Ms. BALDWIN, the name of the Senator from Wisconsin (Ms. B ALDWIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 333 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, Mrs. COTTON, Mrs. SHAHEEN, Mr. INHOFE, Ms. WARNER, Mr. BLUMENTHAL, Mr. KING, Mr. CRUZ, Mrs. GILLIBRAND, Mrs. MCASKILL, Mr. WICKER, Mr. DONNELLY, Mr. NERONI, Mr. SULLIVAN, Mr. TILLIS, Mr. REED, Mr. ROUDS, 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:

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 underwater replenishment, the crew of USS Forrestal reluctantly unloosed 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 armored 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 flight in Vietnam and return to Norfolk, Virginia, for repairs: 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;

(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 CONSIDER ESTABLISHING AN AWARD PROGRAM FOR THE CYBER COMMUNITY OF THE DEPARTMENT OF DEFENSE

WHEREAS, Mr. ROUDS submitted the following resolution; which was referred to the Committee on Armed Services:

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 underwater replenishment, the crew of USS Forrestal reluctantly unloosed 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 armored 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 flight in Vietnam and return to Norfolk, Virginia, for repairs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 28, 2017, as “World Hepatitis Day 2017”;

WHEREAS, Ms. HIRONO (for herself and Mr. CARDEN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas Hepatitis B, Hepatitis C, and the incidence of liver disease caused by those viruses, have become urgent problems of a global proportion;

Whereas the World Health Organization has identified viral hepatitis as an international public health challenge comparable to human immunodeficiency virus (in this preamble referred to as “HIV”), tuberculosis, and malaria;

Whereas, in 2016, the World Health Organization released a global health sector strategy on viral hepatitis that aims to eliminate viral hepatitis as a public health threat by 2030;

Whereas an estimated 240,000 individuals worldwide are chronically infected with Hepatitis B and an estimated 686,000 individuals worldwide die each year due to Hepatitis B;

Whereas an estimated 150,000 individuals worldwide are chronically infected with Hepatitis C and an estimated 70,000 individuals die each year due to Hepatitis C-related liver disease;

Whereas an estimated 1,800,000 individuals worldwide die each year due to liver failure or primary liver cancer resulting from a chronic infection of hepatitis;

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 3,900,000 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;
 Whereas chronic viral hepatitis claims thousands of lives in the United States each year, and in 2014 alone, there were 19,659 deaths due to Hepatitis C in the United States;
 Whereas an individual who has become chronically infected with Hepatitis B or Hepatitis C may not have symptoms for up to 40 years after being infected;
 Whereas some groups of individuals in the United States have a higher rate of chronic viral hepatitis infection than other groups of individuals in the United States, including African-Americans, Asian Americans, Pacific Islanders, Latinos, Native Americans, Alaska Natives, gay and bisexual men, and individuals who inject drugs intravenously;
 Whereas Asian Americans and Pacific Islanders have the highest rate of Hepatitis B-related deaths in the United States;
 Whereas Hepatitis B is 50 to 100 times more infectious than HIV;
 Whereas Hepatitis C is 10 times more infectious than HIV;
 Whereas an estimated 25 percent of individuals in the United States who are infected with HIV are also infected with Hepatitis C; 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 (AIDS);
 Whereas, despite the fact that chronic viral hepatitis is the most common blood-borne infection in the United States, an estimated 25 percent of individuals infected with Hepatitis B and 35 percent of individuals infected with Hepatitis C are unaware of the infection;
 Whereas Hepatitis B is preventable through vaccination, and both Hepatitis B and Hepatitis C are preventable with proper public health interventions, including programs that offer access to sterile injection equipment for individuals who inject drugs intravenously;
 Whereas effective and safe treatment is available for individuals infected with Hepatitis B and Hepatitis C, including new curative treatments for Hepatitis C; and
 Whereas “World Hepatitis Day 2017” will promote 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”;

(2) supports broad access to Hepatitis B and Hepatitis C treatments;

(3) supports raising awareness of the risks and consequences of undiagnosed chronic Hepatitis B and Hepatitis C infections; and

(4) recognizes the importance of public health response to prevent the death of the approximately 5,300,000 individuals in the United States who are infected with either Hepatitis B or Hepatitis C, including 1,400,000 individuals who are chronically infected with Hepatitis B and 3,900,000 individuals who are chronically infected with Hepatitis C;

That the Senate—
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, 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 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. 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 400. 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 401. 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 402. 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 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. Ms. WARREN (for herself and Mrs. LEANA) 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 405. 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 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 by him 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 to amendment SA 267 proposed by Mr. MCCONNELL 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. BROWNE) 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. 2810, supra; which was ordered to lie on the table.

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, supra; which was ordered to lie on the table.

SA 431. Mr. PORTMAN 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 432. Mr. LANKFORD 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 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. 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 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. DUBOIS) 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 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 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. 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. Tester (for himself, Mr. Frank and Mr. Murray) 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 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. 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 447. Ms. CORTEZ MASTO 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 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. 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. 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 453. 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 454. 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 455. 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 456. 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 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. Fischer, 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 468. 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 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. Hoeven, 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. THUNE 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. 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 479. Mr. HOEVEN 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 480. Mr. UDALL (for himself, Mr. Rounds, Ms. 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 481. Mr. UDALL (for himself, Mr. Rounds, Ms. 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 482. Mr. CARIDIN 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 483. Mr. CARIDIN 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 484. Mr. CARIDIN 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 485. Mr. CARIDIN 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 486. Mr. CARIDIN 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 487. Mr. CARPER (for himself and Mr. Gillibrand) 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 488. Ms. HEITKAMP 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 489. Ms. HEITKAMP 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 490. Mr. WARNER (for himself, Mr. SULLIVAN, and 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 491. Mr. SCHATZ (for himself and Mr. Sasse) 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 492. Mr. SCHATZ (for himself and Mrs. GILLIBRAND) 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 493. 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 494. 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 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, supra; which was ordered to lie on the table.

SA 496. Mr. WICKER 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 497. Mr. WICKER 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 498. Mr. MCCAIN (for himself and Mr. Reed) 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 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. BROWN (for himself; Mr. BOOKER, Ms. HIRONO, Mr. NELSON, Mr. VAN HOLLEN, Mr. MARKET, Mr. BROWN, Mr. CARPER, Mr. BLUMENTHAL, and Ms. STABENOW) 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 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. 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. 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 503. Mr. McCONNELL (for himself and Mrs. FISCHER) proposed an amendment to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 504. Mr. MCCONNELL to the bill H.R. 1628, 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. 1628, supra; which was ordered to lie on the table.

SA 506. Mr. SCHATZ (for himself and Mr. Sasse) 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 507. Mr. CARDIN (for himself and Mr. RUBIO) 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. PENNACCHIO, 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. MARKET (for himself, Mr. CARDIN, Mr. VAN HOLLEN, 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 515. Mr. MARKET (for himself, Mr. CARDIN, Mr. VAN HOLLEN, 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 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. 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 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. PETITJEAN, 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. PETITJEAN, Mr. TESTER, Ms. WARNEN, 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. GIROD) 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 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, 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 533. Ms. 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. CORN-
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. HARRIS, Mr. ROYBLIN, Mr. CARDIN, Mr. MARKEN, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARNER) 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 549. 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.

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 to amendment SA 267 proposed by Mr. McCONNEL to the bill H.R. 1628, 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 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 557. 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 558. 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 559. 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 560. 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 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. DONELLY (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. HEITKAMP (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. 2810, supra; 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 the Army 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 589. Mr. JOHNSON (for himself and Mr. MCCASSELL) 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. McCONNEL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 591. Ms. HEITKAMP 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 592. Mr. DURBIN (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. DUCKWORTH (for herself, 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 594. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BROWN, Mrs. GILLIBRAND, Mr. WARREN, Mr. WHITEHOUSE, Mr. NELSON, Ms. BALDWIN, Mr. ROUNDS, Mr. FRANKIN, and Mr. MERKLEY) 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 595. 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 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.

SA 597. 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 598. Ms. 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 599. Mr. 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 600. 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 601. Mr. MORAN (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.
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 Ms. COLES-LIN) 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 604. Mr. KING 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 605. Mr. MARKES (for himself and Mr. VAN HOLLAND) 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. 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 607. Mr. MARKEY (for himself, Mr. GARDNER, and Mr. CARIDIN) 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 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. 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 617. 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.
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, supra; which was ordered to lie on the table.
SA 633. 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 634. 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 635. Mr. PERDUE 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 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 637. 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 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 658. 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.

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 665. Mr. BROWN (for himself and 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 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. Mr. 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. 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 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. 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 686. 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 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 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. 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 691. Mr. BLUMENTHAL 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 692. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mr. Peters, Mr. CARDIN, 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 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. HIRANO 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. 2810, 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. 2810, 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. 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 714. 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 717. Mr. TOOMEY (for himself and Mr. Cassidy) 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. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 667 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, supra; 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. 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 729. Mr. BROWN 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 730. 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. MARK) 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 732. 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 733. 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.

TEXT OF AMENDMENTS

SA 392. 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; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2816. TREATMENT AS IN-KIND CONSIDERATION OF FINANCIAL SUPPORT AND SERVICES PROVIDED BY FINANCIAL INSTITUTIONS TO MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (b)(4), by inserting ‘‘, except as otherwise provided in subsection (c)(4),’’ after ‘‘amount that’’; and

(2) in subsection (c), by adding at the end the following new paragraph:

‘‘(d)(A) In the case of a lease under this section that is entered into during the period prescribed by subsection (2), with an insured depository institution, the Federal Government or a State, the Secretary concerned may deem financial support provided by the insured depository institution to members of the armed forces, civilian employees of the Department of Defense, and their dependents as sufficient in-kind consideration to cover all lease, services, and utilities costs assessed with regard to the leased property.

(B) The Secretary concerned may renegotiate the terms and conditions under this section that was entered into prior to the period described in subparagraph (C) with an insured depository institution to apply subparagraph (A) to an assessment of Department of Defense requirements for managing access to military installations and the extent to which the terms and conditions under the earlier assessment provide adequate covered financial support as of the date of the renegotiation.’’

SEC. 393. 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; as follows:

At the end of subtitle J of title VIII, add the following:

SEC. 1009D. USE OF COMMERCIAL ITEMS FOR PHYSICAL ACCESS CONTROL SYSTEMS OR IDENTITY MANAGEMENT SYSTEMS.

(a) In General.—The procurement process for any covered Physical Access Control System or Identity Management System shall be carried out in accordance with section 2377 of title 10, United States Code.

(b) Certification.—Not later than 30 days after the date of the enactment of this Act, the Service Acquisition Executive responsible for each covered Physical Access Control System or Identity Management System shall certify to the congressional defense committees that the procurement process for any covered Physical Access Control System or Identity Management System procured after the date of the enactment of this Act will be carried out in accordance with section 2377 of title 10, United States Code.

(c) Covered Physical Access Control System or Identity Management System Defined.—In this section, the term ‘‘covered Physical Access Control System or Identity Management System’’ includes the following:

(1) The Defense Biometric Identification System (DBIDS).

(2) The Automated Installation Entry (AIE) system.

(3) The Biometric Automated Access Control System (BAACS).

(4) The Navy Access Control Management System (NACMS).
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 engineering, already exist, new investment or acquisition of business systems, and the acquisition of commercial solutions, are being or are being pursued to close those gaps.

(4) A description of how 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 directives under the Federal Acquisition Regulation and Defense Supplement to the Federal Acquisition Regulation to consider commercial products and services.

SA 395. 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; as follows:

At the appropriate place, insert the following:

SEC. .... USE OF ROBOTIC SERVICING OF GEO-SYNCHRONOUS SATELLITES PROGRAM OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) RICHARDS.—The Secretary of Defense shall ensure that the United States retains all ownership of and rights to systems developed under the robotic servicing of geosynchronous satellites program of the Defense Advanced Research Projects Agency.

(b) PROHIBITION ON OPERATION BY CONTRACTOR.—The Secretary may not transfer ownership or the operation of systems resulting from the robotic servicing of geosynchronous satellites program only if:

(1) the use services assets of the United States; and

(2) the Secretary determines that such use is more cost effective than any commercial alternative.

SA 396. 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. .... COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) REQUIRED.—Not later than December 1, 2018, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a study, conducted by the Comptroller General for purposes of the report, on United States security and foreign policy interests in the Freely Associated States of 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 in the Freely Associated States and the Pacific region.

(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 in the Freely Associated States and the Pacific region.

(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 in the Freely Associated States and the Pacific region.

(4) Any other matters the Comptroller General considers appropriate.

(c) CONSULTATION.—The Comptroller General shall consult in the preparation of the report with other departments and agencies of the United States Government, including elements of the intelligence community.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 397. 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 A of title XXVIII, add the following:

SEC. 2803. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) AUTHORITY.—For the revitalization of jungle operations training ranges, the Secretary 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 XXVIII, add the following:

SEC. 1049. ACCESS OF VETERANS SERVICE ORGANIZATIONS TO MILITARY INSTALLATIONS.

(a) ACCESS TO BE AUTHORIZED.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary for purposes of this section, commanders of military installations in the United States shall permit representatives of veterans service organizations to have reasonable access to such military installations in order to permit such representatives to support and facilitate efforts of the Department of Defense to provide meaningful and related benefits under chapter 68 of title 10, United States Code, to members of the Armed Forces stationed at such installations.

(2) 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.

(b) 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.

(c) REGULATIONS.—In prescribing regulations for purposes of this section, the Secretary of Defense shall authorize the following:

(1) The recommendation or endorsement of a particular veterans service organization for purposes described in subsection (a).

(2) The encouragement, support, or other suggestion that a member of the Armed Forces seek membership in a veterans service organization.

(d) COMMENCEMENT OF ACCESS.—Access to installations under this section shall commence upon the date specified by the Secretary in the regulations prescribed for purposes of this section, which date shall be not later than one year after the date of the enactment of this Act.

SA 399. 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 A of title XXVIII, add the following:

SEC. 2803. REVITALIZATION OF JUNGLE OPERATIONS TRAINING RANGES.

(a) AUTHORITY.—For the revitalization 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 $2,000,000, 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 $50,000,000.

(b) NOTIFICATION REQUIREMENT.—When a decision is made to carry out an unspecified
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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.
(c) 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’’ and inserting ‘‘2018 and each
subsequent year is 90 percent.’’; 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:

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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
(ii) in clause (ii), in subclause (XX), by inserting ‘‘and ending December 31, 2017,’’ after
‘‘2014,’’, and by adding at the end the following new subclause:

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CONGRESSIONAL RECORD — SENATE

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‘‘(XXIII) beginning January 1, 2020, who are
expansion enrollees (as defined in subsection
(nn)(1));’’; and
(B) by adding at the end the following new
subsection:
‘‘(nn) EXPANSION ENROLLEES.—
‘‘(1) IN GENERAL.—In this title, the term
‘expansion enrollee’ means an individual—
‘‘(A) who is under 65 years of age;
‘‘(B) who is not pregnant;
‘‘(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
XVIII;
‘‘(D) who is not described in any of subclauses (I) through (VII) of subsection
(a)(10)(A)(i); and
‘‘(E) whose income (as determined 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.
‘‘(2) APPLICATION OF RELATED PROVISIONS.—
Any reference in subsection (a)(10)(G), (k), or
(gg) of this section or in section 1903, 1905(a),
1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) 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)—
(i) in the matter preceding subparagraph
(A), by striking ‘‘, with respect to’’ and all
that follows through ‘‘shall be equal to’’ and
inserting ‘‘and that has elected to cover
newly eligible individuals before March 1,
2017, with respect to amounts expended by
such State before January 1, 2020, for medical assistance for newly eligible individuals
described in subclause (VIII) of section
1902(a)(10)(A)(i),
and,
with
respect
to
amounts expended by such State after December 31, 2019, and before January 1, 2030,
for medical assistance 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:
‘‘(E) 90 percent for calendar quarters in
2020;
‘‘(F) 88 percent for calendar quarters in
2021;
‘‘(G) 86 percent for calendar quarters in
2022;
‘‘(H) 84 percent for calendar quarters in
2023;
‘‘(I) 82 percent for calendar quarters in
2024;
‘‘(J) 80 percent for calendar quarters in
2025;
‘‘(K) 78 percent for calendar quarters in
2026;
‘‘(L) 76 percent for calendar quarters in
2027;
‘‘(M) 74 percent for calendar quarters in
2028; and
‘‘(N) 72 percent for calendar quarters in
2029.’’; and
(iv) by adding after and below subparagraph (H) (as added by clause (iii)), the following flush sentence:
‘‘The Federal medical assistance percentage
determined for a State and year under subsection (b) shall apply to expenditures for
medical assistance to newly eligible individuals (as so described) and expansion enrollees (as so defined), in the case of a State that
has elected to cover newly eligible individuals before March 1, 2017, for calendar quarters after 2029, and, in the case of any other
State, for calendar quarters (or portions of
calendar quarters) after February 28, 2017.’’;
and

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(B) in subsection (z)(2)—
(i) in subparagraph (A)—
(I) by inserting ‘‘through 2023’’ 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)—
(I) in subclause (IV), by striking the semicolon and inserting ‘‘; and’’;
(II) in subclause (V), by striking ‘‘2018 is 90
percent; and’’ and inserting ‘‘2018 and each
subsequent year through 2029 is 90 percent.’’;
and
(III) by striking subclause (VI).
(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: ‘‘This paragraph shall not apply
after December 31, 2019.’’.

SA 403. 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:
Strike section 112 and insert the following:
SEC. 112. 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
(ii) in clause (ii), in subclause (XX), by inserting ‘‘and ending December 31, 2017,’’ 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
(nn)(1));’’; and
(B) by adding at the end the following new
subsection:
‘‘(nn) EXPANSION ENROLLEES.—
‘‘(1) IN GENERAL.—In this title, the term
‘expansion enrollee’ means an individual—
‘‘(A) who is under 65 years of age;
‘‘(B) who is not pregnant;
‘‘(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
XVIII;
‘‘(D) who is not described in any of subclauses (I) through (VII) of subsection
(a)(10)(A)(i); and
‘‘(E) whose income (as determined 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.
‘‘(2) APPLICATION OF RELATED PROVISIONS.—
Any reference in subsection (a)(10)(G), (k), or
(gg) of this section or in section 1903, 1905(a),
1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) 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)—
(i) in the matter preceding subparagraph
(A), by striking ‘‘, with respect to’’ and all
that follows through ‘‘shall be equal to’’ and
inserting ‘‘and that has elected to cover
newly eligible individuals before March 1,
2017, with respect to amounts expended by
such State before January 1, 2020, for medical assistance for newly eligible individuals

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described in subclause (VIII) of section 1902(a)(10)(A)(ii), and, with respect to amounts expended by such State after December 31, 2019, and before January 1, 2030, for such 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:

‘‘(E) 90 percent for calendar quarters in 2020;

(F) 88 percent for calendar quarters in 2021;

(G) 86 percent for calendar quarters in 2022;

(H) 84 percent for calendar quarters in 2023;

(I) 82 percent for calendar quarters in 2024;

(J) 80 percent for calendar quarters in 2025;

(K) 78 percent for calendar quarters in 2026;

(L) 76 percent for calendar quarters in 2027;

(M) 74 percent for calendar quarters in 2028 and;

(N) 72 percent for calendar quarters in 2029.’’; and

(iv) by adding after and below subparagraph (B) (as added by clause (iii)), the following

‘‘The Federal medical assistance percentage determined for a State and year under subsection (b) shall apply to expenditures for medical assistance to newly eligible individuals (as so described) and expansion enrollees (as so defined), in the case of a State that has elected to cover newly eligible individuals beginning January 1, 2024, for calendar quarters after 2029, and, in the case of any other State, for calendar quarters (or portions of calendar quarters) after February 28, 2017.’’; and

(B) in subsection (c)(2)—

(i) in subparagraph (A)—

(1) by inserting “through 2023” after “each year thereafter’’; and

(2) by striking “and” and inserting “or” after “2027’’; and

(ii) in subparagraph (D), by striking “and” and inserting “or” after “2027’’; and

(iii) in subparagraph (E), by striking “and” and inserting “or” after “2027’’; and

(iv) by striking “and” and inserting “or” after “2027’’;

(C) in subsection (d), by striking “any changes to such information as submitted previously in a report under subparagraph (A)’’ and inserting “any changes to such information as submitted in a report under subparagraph (A)’’; and

(D) in subsection (d), by adding after subparagraph (C), the following:

‘‘(3) INCREASING COMPETITION FOR CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS.—

(A) Pilot Program Required.—The Secretary of Defense, in consultation with the Secretary of Energy, shall, by the end of the second calendar quarter of 2028, establish a pilot program to award certain Federal supply schedule contracts on the basis of a combination of low or no cost, low or no price, low or no cost or price, or other factors that are determined by the Secretaries of Defense and Energy to be appropriate for such contracts.

(B) Waiver Authority.—The Secretary of Defense may waive the requirements of paragraph (A) for contracts that are intended to be received by a military department or agency in a fiscal year if the Secretary determines that it is in the national interest to do so.

(C) Report.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the pilot program established under this subsection, including any changes to the program or the factors used to determine the appropriate basis for awarding contracts under this subsection.”
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 participating in the pilot program shall:

(A) to accept a term appointment with the Department of Defense as described in subsection (a).

(B) To obtain and maintain a security clearance at the secret level or higher during participation in the pilot program.

(C) To complete the course of academic study of the student as described in subsection (b)(1)(B).

(D) To participate in the pilot program.

(E) To participate in the pilot program.

(3) PARTICIPANTS.—Each graduate or undergraduate student participating in the pilot program may be enrolled in a “Graduate Student Program” or an “Undergraduate Student Program.”

(4) EFFECT OF PROGRAM.—The student shall be evaluated for the position under the pilot program.

(5) TERM APPOINTMENT.—The term appointment shall expire on the date that is five years after the date of the enactment of this Act.

(6) EFFECT OF TERMINATION.—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.

(7) EFFECT OF CONVERSION.—The term appointment shall count toward the career tenure of the student in the Defense Acquisition Workforce Development Fund.

(8) PAYMENT SCHEDULE.—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.

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 2 of Public Law 105–223 (2 U.S.C. 1951) is amended—

(1) 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”;

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

(3) 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—

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

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

(c) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a) and (b), the Capitol Police Board shall issue 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 eligible for payment is entitled to payment;

(2) providing for the manner, method, and time of payment; 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.”.

(2) 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 “deposit into the Fund” and inserting “deposit 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 407. Mr. DONELLY 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;

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—

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

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

(c) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a) and (b), 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 eligible for payment is entitled to payment;

(2) providing for the manner, method, and time of payment; 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.”.

SA 408. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, 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;
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:

TITLES 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) $25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,350,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $3,000,000 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;

(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) $3,000,000 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 “2015 through 2017” and inserting “2018 through 2020”;

(B) in paragraph (2), by striking the period at the end and inserting “; and”;

(C) in paragraph (3), by striking subsection (c) and (d).

SEC. 3502. REMOVAL ADJUNCT PROFESSOR LIMIT

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 inserting “; and”;

(B) in paragraph (2), by striking the period at the end and inserting “; and”;

(C) in paragraph (3), 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) GRANTOR.—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 or 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(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

(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) ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME 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. 78c));

(ii) 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 major United States commercial bank that—

(A) is a major United States commercial bank; or

(B) is headquartered in the United States; and

(C) holds for the account of others investment assets in a total amount considered by the Maritime Administrator to qualify the bank as a major investment management firm.

(c) QUALIFIED GUARANTEE.—The term ‘qualified guarantee’, with respect to a major project, means a guarantee that—

(i) is made by a major United States merchant marine, the following amounts:

(a) I N GENERAL.—There are authorized to be appropriated to the Department of Transportation for Fiscal Year 2017, as added by section 3508; and

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 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. 3504. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNEXION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 51315 of title 46, United States Code, is amended by inserting at the end the following:

(2) MAJOR UNITED STATES COMMERCIAL BANK.—The term ‘major United States commercial bank’ means a bank that—

(A) is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

(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.

SEC. 3505. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNEXION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.
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:

"§51321. Grants for scientific and educational research

"(a) DEFINED TERM.—In this section, the term ‘qualified 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, a nonprofit entity, 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.—(1) The Secretary of Transportation, or the Secretary's designee, shall accept qualifying research grants if the work funded by the grant will 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 Secretary 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.

"(d) GRANTS TO RELATED INSTITUTES.—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.

SEC. 3506. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

Section 54101 of title 46, United States Code, is amended—

(1) in clause (i), by striking subsection (b) and inserting the following:

"(b) AWARDS.—

"(1) IN GENERAL.—In providing assistance under this section, the Administrator shall take into consideration—

"(A) the economic circumstances and conditions of maritime communities;

"(B) projects that would be effective in fostering productivity, competitive operations, and quality ship construction, repair, and reconfiguration; and

"(C) projects that would be effective in fostering employee skills and enhancing productivity.

"(2) TIMING OF AWARD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

"(B) REALLOCATION OF UNFUNDED FUNDS.—If a grant is awarded under this section and, for any reason, the grant funds, or any portion thereof, are not used by the grantee—

"(i) such funds shall remain available until expended; and

"(ii) the Administrator may use such unexpended funds to award, in any fiscal year, another grant under this section to an applicant who submitted an application under the initial or a subsequent notice of availability of funds; and

"(2) in subsection (c), by adding at the end the following:

"(D) BUY AMERICA.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be carried out by this chapter unless the steel, iron, and manufactured products used in such project are produced in the United States.

"(B) EXCEPTION.—The provisions of subparagraph (A) shall not apply if the Secretary finds that—

"(i) their application would be inconsistent with the public interest; and

"(ii) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

"(iii) inclusion of domestic material will increase the cost of the overall project by more than 25 percent.

SEC. 3507. DOMESTIC MARITIME CENTERS OF EXCELLENCE.

(a) DESIGNATION AUTHORITY.—The Secretary is authorized to designate community and technical colleges with a maritime training program and maritime training centers operated by or under the supervision of a State, if located in the United States along the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes, as centers of excellence for domestic maritime workforce training and education.

(b) ASSISTANCE.—

"(1) TECHNICAL ASSISTANCE.—The Secretary may provide to an entity designated as a center of excellence under subsection (a)—

"(A) technical assistance; and

"(B) surplus Federal equipment and assets.

"(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance under paragraph (1) to assist an entity designated as a center of excellence to expand the capacity of the entity to train the domestic maritime workforce of the United States, including by—

"(A) admitting additional students;

"(B) recruiting and training faculty;

"(C) expanding facilities;

"(D) creating new maritime academic pathways; and

"(E) awarding students credit for prior experience, including military service.

SEC. 3508. ACCESS TO SATELLITE COMMUNICATION DEVICES DURING SEA YEAR PROGRAM.

Section 3514 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) in paragraph (1), by striking “harassment, domestic violence, sexual assault, and stalking” and inserting “harassment, dating violence, domestic violence, sexual assault, and stalking”;

(2) in paragraph (2), by striking “acquaintance rape,” and inserting “sexual assault,”; and

(3) by redesignating paragraphs (4) and (5), respectively, as paragraphs (5) and (6), respectively.

SEC. 3509. ACTIONS TO ADDRESS SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REQUIRED POLICY.—Subsection (a) of 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—

(1) in paragraph (1), by striking “harassment, domestic violence, sexual assault” and inserting “harassment, dating violence, domestic violence, sexual assault, and stalking”;

(2) in paragraph (2), by striking “acquaintance rape,” and inserting “sexual assault,”; and

(3) by redesigning paragraphs (4) and (5), respectively, as paragraphs (5) and (6), respectively.

(b) LAW ENFORCEMENT.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to develop a mandatory training program at the United States Merchant Marine Academy for each individual who is involved in implementing the Academy’s student disciplinary grievance procedures, including each individual who is responsible for—

"(A) developing and implementing sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

"(B) investigating complaints of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

"(C) supervising employees who investigate complaints of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

"(D) conducting an interview with a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(E) conducting an interview with an accused individual;

"(F) conducting an interview with an individual who may have committed sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(G) conducting an interview with an individual who may have experienced sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(H) conducting an interview with an individual who may have assisted a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(I) conducting an interview with a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(J) conducting an interview with an accused individual;

"(K) conducting an interview with an individual who may have committed sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(L) conducting an interview with an individual who may have experienced sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(M) conducting an interview with an individual who may have assisted a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

"(N) conducting an interview with an individual who may have assisted an accused individual;

"(O) conducting an interview with an individual who may have assisted an accused individual;

"(P) conducting an interview with an individual who may have assisted an accused individual;

"(Q) conducting an interview with an individual who may have assisted an accused individual;

"(R) conducting an interview with an individual who may have assisted an accused individual;

"(S) conducting an interview with an individual who may have assisted an accused individual; or

"(T) conducting an interview with an individual who may have assisted an accused individual.

(c) TRAINEES.—The Superintendent shall ensure that trainees—

"(1) receive training on the sexual misconduct policy of the Academy;

"(2) participate in workshops and training exercises designed to improve their knowledge of the sexual misconduct policy of the Academy; and

"(3) receive training on how to respond to reports of sexual misconduct.

(d) CONSULTATION.—The Secretary shall consult with the military departments and agencies, the National Criminal Justice Training Center, the United States Department of Labor, and other appropriate governmental and nongovernmental organizations before implementing this section.
“(1) 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, race, or gender identity; or sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

“(iii) Information on consent and the effect that drugs or 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, sexual assault, or stalking may impact midshipmen differently depending on their cultural background.

“(vi) Information on sexual assault dynamics, sexual assault perpetrator behavior, and barriers to reporting.

“(D) IMPLEMENTATION.—

“(1) DEVELOPMENT AND APPROVAL SCHEDULE.—The training program required by subparagraph (A) shall be developed not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

“(2) COMPLETION OF TRAINING.—Each individual who is required to complete the training described in subparagraph (A) shall complete the training not later than—

“(I) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

“(II) 180 days after starting a position with responsibilities that include the activities described clause (1), (ii), or (iii) of subparagraph (A), and

“(iii) by inserting after paragraph (5), as so redesignated, the following:

“(6) CONSISTENCY WITH THE HIGHER EDUCATION LAW.—The Secretary shall ensure that the policy developed under this subsection meets the requirements set out in subsection (c) as follows:

“(A) An initial training session, which shall occur not later than 7 days after a cadet’s initial entry.

“(B) Additional training sessions, which shall occur biannually following the cadet’s initial training session until the cadet graduates or leaves the Academy.

“(C) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3517 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by striking the item relating to section 51318, as redesignated, the following:

“(A) An initial training session, which shall occur not later than 7 days after a cadet’s initial entry.

“(B) Additional training sessions, which shall occur biannually following the cadet’s initial training session until the cadet graduates or leaves the Academy.

“(C) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3517 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by striking the item relating to section 51318, as redesignated, the following:

“(A) An initial training session, which shall occur not later than 7 days after a cadet’s initial entry.

“(B) Additional training sessions, which shall occur biannually following the cadet’s initial training session until the cadet graduates or leaves the Academy.

“(C) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3517 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended as follows:

“(1) HARMFUL EFFECTS.—The Superintendent shall ensure that all cadets receive training on the sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response training materials and resources. Such resources shall include staff as follows:

“(i) Sexual assault response coordinator.

“(ii) Prevention educator.

“(iii) Civil rights officer.

“(iv) Staff member to oversee Sea Year.

“(B) COMMUNICATION.—The Director of the Office of Civil Rights of the Maritime Administration shall create and maintain a direct line of communication to the sexual assault response staff of the Academy that is outside of the chain of command of the Academy.

“(4) MINIMUM TRAINING REQUIREMENTS.—

“The Superintendent shall ensure that all cadets receive training on the sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response sections of the development program which are as described in paragraph (1), as follows:

“(A) An initial training session, which shall occur not later than 7 days after a cadet’s initial entry.

“(C) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3517 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:

“(e) DATA FOR AGGREGATE REPORTING.—

“(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.

“(4) 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, or stalking.

“(4) TRAINING.—

“(A) VERIFICATION.—Not later than 90 days after the date of 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 ensure the sexual assault response coordinator at each United States Merchant Marine Academy 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, dating violence, domestic violence, sexual assault, and stalking;

(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

(iii) national, State, and local victim services and resources available to victims of sexual harassment, dating violence, 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) 180 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or


"(D) DUTIES.—A sexual assault response coordinator shall—

(A) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

(B) 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 law enforcement;

(iii) how to access available services, including emergency medical care, medical forensics or evidentiary examinations, legal services, or access other accommodations; and

(iv) such coordinator’s ability to assist in arranging access to such services, with the consent of the victim;

(C) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services; and

(D) such coordinator’s ability to assist in arranging such accommodations, with the consent of the victim;

(E) 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

(F) privacy limitations under applicable law;

(G) 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;

(H) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

(I) 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;

(K) 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 circumstances surrounding the reported incident unless—

(i) otherwise required by applicable law;

(ii) requested to do so by the victim who has been 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 who has been accurately informed about what procedures shall occur if information is shared; 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) 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.

"(C) SUPPORT.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator to the Academy, and to the crisis intervention counseling and ongoing counseling;

(iv) such coordinator’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; and

(vi) such coordinator’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;

"(B) OverSIGHT.—

(1) IN GENERAL.—The Secretary of Transportation shall—

(a) conduct surveys of the sexual assault response coordinators at the Military and Maritime Academies to determine the number of victims assisted by the coordinators and the number of midshipmen assisted by the coordinators;

(b) require the Maritime Administration, in coordination with the Armed Services Vocational Aptitude Battery, to provide such surveys to the Secretary of Transportation.

"(C) CHECKS OF COMMERCIAL VESSELS.—

(1) REQUIREMENT.—Not less frequently than annually, the Secretary of Transportation shall require each company or sea- man that reports being a victim of sexual harassment onboard vessels to complete the survey referred to in subparagraph (A); and

(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 the vessel and report any such violation to the company that owns the vessel.

"(4) MAINTENANCE OF SEXUAL ASSAULT INVESTIGATORS.—

(A) EXPLORE.—The Maritime Administration Administrator shall require each company or seaman on a vessel that reports being a victim of sexual assault onboard vessels to—

(i) review and discuss the sex- ual assault investigation procedures of such vessel;

(ii) develop and implement a plan to improve the sexual assault investigations of such vessel;

(iii) conduct a sexual assault investigation upon request of the company and the crew and passengers of any vessel with such a plan; and

(iv) report any such investigation to the Maritime Administration Administrator.

"(B) REPORTING.—The Maritime Adminis- trator shall require each vessel to report to the Maritime Adminis- trator any midshipman of the Academy from the vessel.

"(C) CHECK-IN.—Not less often than once each week, each such midshipman shall check-in with designated personnel at the Academy via the midshipman’s personal satellite communication device. A text message sent via the midshipman’s personal satellite device shall meet the requirement for a weekly check-in for purposes of this paragraph.

"(D) RIDING GANGS.—The Maritime Admin- istrator shall—

(i) 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

(ii) 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 and vessels under United States law, including chapter 81 and section 70103(c).

"(E) SEA YEAR SURVEY.—

(1) REQUIREMENT.—The Maritime Adminis- trator 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.

"(2) AVAILABILITY.—The Maritime Adminis- trator shall make available to the public for a period of 30 days—

(A) the questions used in the survey required by paragraph (1); and

(B) the aggregated data received from such surveys.

"(a) Provision of Individual Satellite Communication Devices During Sea Year.—

(1) IN GENERAL.—The Maritime Adminis- trator shall require each midshipman at the United States Merchant Marine Academy to be provided with a functional satellite communication device during the midshipman’s Sea Year.

(2) CHECK-IN.—Not less often than once each week, each such midshipman shall check-in with designated personnel at the Academy via the midshipman’s personal satellite communication device. A text message sent via the midshipman’s personal satellite device shall meet the requirement for a weekly check-in for purposes of this paragraph.
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. 1. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE MILITARY.

(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 redesignating subsection (b) as subsection (c); and
(3) by inserting after subsection (a) the following:
‘‘(b)(1) 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 AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 50 U.S.C. 1541 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. 2. 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 XXII of the Public Health Service Act (42 U.S.C. 300bb-1)); and
(2) as a group health plan (as defined in section 5000A(b)(1) of the Internal Revenue Code of 1986) for purposes of applying sections 4980B and 5000 and chapter 100 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. 1161 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, operating in a manner and form which shall be effective unless written notice of such certification is filed by the applicable authority by regulation, at least the following information:

‘‘(A) Identifying information.

‘‘(B) States in which the plan intends to do business.

‘‘(C) Bonding requirements.

‘‘(D) Plan documents.

‘‘(E) Agreements with service providers.

‘‘(F) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule requirements for certified plan sponsors that include requirements regarding—

‘‘(1) notification of material changes; and

‘‘(2) notification for voluntary termination.

‘‘(g) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part 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.

‘‘(h) 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 may deny for cause the application for certification.

‘‘(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 a small business health plan sponsor was willfully or with gross negligence incomplete or inaccurate.

‘‘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, 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;
(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-employee group health plan, any participant in the group health plan who is at least one of the officers, directors, or employees of an employer, or at least 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 must be—
(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 regulations requiring to coverage renewal, participating employer shall not be deemed to be a plan sponsor.

(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE IN A GROUP HEALTH PLAN.—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 any employee not covered under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under such plan; and
(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate.

SEC. 804. DEFINITIONS; RENEWAL

(1) AFFILIATED MEMBER.—The term ‘affiliated member’ means, in connection with a sponsor—
(A) a person who is otherwise eligible to be a member of the sponsor but who elects not to be a member of the sponsor;
(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor;
(2) APPLICABLE STATE AUTHORITY.—The term ‘applicable State authority’ means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

(3) FRANCHISE; FRANCHISOR.—The term ‘franchise’ and ‘franchisor’ have the meanings given such terms for purposes of sections 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this part) and, for purposes of this part, franchise or franchisor franchisee participating employers in such a group health plan may be treated as a participating employer, co-employer, or joint employer of the employees of another participating franchise or franchisee employer for any purpose under this part.

(4) HEALTH PLAN TERMS.—The terms ‘group health plan’, ‘health insurance cov- erage’, and ‘health insurance issuer’ have the meanings given such terms in section 733.

(5) INDIVIDUAL MARKET.—
(A) IN GENERAL.—The term ‘individual market’ means the health insurance coverage offered to individuals other than in connection with a group health plan.
(B) TREATMENT OF VERY SMALL GROUPS.—The term ‘individual market’ means the health insurance coverage offered 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 first day of the plan year.

(6) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered by a State regulated by such State in the same manner and to the same extent as coverage in the small group market (as defined in section 720(e)(6) of the Public Health Service Act) is regulated by such State.

(7) 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 an employee or 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 status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

(8) CONTROL GROUP.—The term ‘control group’ means, for purposes of this part, any reference to ‘member’ shall include a custo- mer 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 new sentence: “(f) The provisions of this title shall supersede any and all State laws insofar as they may now or hereafter be interpreted or construed as permitting any State to deny, reduce, or limit the benefits or protections of any State or local law that is part of a section 7705 organization control group.”

(2) PLAN SPONSOR.—Section 316(b)(B) of such Act (29 U.S.C. 10316(b))(B) is amended by adding at the end the following new sentence: “The plan also includes a person serving as the sponsor of a small business health plan under part 8.”

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting “or part 8” after “this part.”

(f) TREATMENT OF INCOME FROM SMALL BUSINESS HEALTH PLANS.—Section 513 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section: “(c)記者 the Fifi a FEE or PAYMENT OF DIREC PRIMARY CARE SERVICE ARRANGEMENTS. Section 131 of the Internal Revenue Code of 1986 is amended by striking “$2,250” and inserting “$29,500.”

(g) EFFECTIVE DATE.—Section 380 of the Internal Revenue Code of 1986 is amended by striking “calendar year 2003” and inserting “calendar year 2003.”

(h) COST-OF-LIVING ADJUSTMENT.—Section 381 of the Internal Revenue Code of 1986 is amended by striking “calendar year 2003” and inserting “calendar year 1992.”

(i) PLAN SPONSOR.—Section 316(b)(B) of such Act (29 U.S.C. 10316(b))(B) is amended by adding at the end the following new sentence: “The plan also includes a person serving as the sponsor of a small business health plan under part 8.”

(j) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting “or part 8” after “this part.”

(k) SMALL BUSINESS HEALTH PLANS.—The term ‘small business health plan’ means—
(1) a health plan described in section 131 of the Internal Revenue Code of 1986 that is part of a section 7705 organization regulated by such State in connection with a group health plan (as defined in section 720(e)(6) of the Public Health Service Act), as regulated by such State, provided that such plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under such plan; and
(2) such plan created by an individual who is a member or employee of any such association and elects an affiliated status with the sponsor.

(l) AFFILIATED MEMBER.—The term ‘affiliated member’ means, in connection with a sponsor—
(1) a person who is otherwise eligible to be a member of the sponsor but who elects not to be a member of the sponsor;
(2) a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

(m) APPLICABLE STATE AUTHORITY.—The term ‘applicable State authority’ means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

(n) FRANCHISE; FRANCHISOR.—The term ‘franchise’ and ‘franchisor’ have the meanings given such terms for purposes of sections 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this part) and, for purposes of this part, franchise or franchisor franchisee participating employers in such a group health plan may be treated as a participating employer, co-employer, or joint employer of the employees of another participating franchise or franchisee employer for any purpose under this part.

(o) HEALTH PLAN TERMS.—The terms ‘group health plan’, ‘health insurance cov-
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. 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) LIABILITY.—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's 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); and

(B) absent reciprocal marketing approval, the covered product is not a banned device under section 513(i);

(C) there is a public health or unmet medical need for the covered product in the United States; and

(D) 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, the Committee on 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 data 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).

(1) 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

(2) in the case of a device for which reciprocal marketing approval is to be granted, the Secretary shall—

(A) classify the device pursuant to section 513; and

(B) determine whether, absent reciprocal marketing approval, the device would need to be cleared pursuant to section 510(k) or approved pursuant to section 515 to be lawfully marketed under this Act.

(g) CONGRESSIONAL DISAPPROVAL OF FDA ORDERS.—

(1) IN GENERAL.—A decision of the Secretary to decline to grant or to issue a 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 (a) 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—

(1) 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

(2) 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.

APPENDIX.—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 an approval or clearance of an applicable covered product 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, is in effect.

For purposes of imposing fees under chapter VIII, a request for reciprocal marketing approval under this section shall be treated as an application or premarket notification for approval or clearance under section 505(c), 510(k), or 515 of this Act.
In lieu of the matter proposed to be inserted, insert the following:


(a) PATIENT PROTECTION AND AFFORDABLE CARE ACT—On January 1, 2018, 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, 2018, 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. RUSS 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. 1. 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 primary State under applicable law, such issuer may 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 govern the health insurance issuer in the sale of such coverage under this title.

(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 State.

(3) STATE.—The term ‘State’ means the 50 States and includes 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:

At the appropriate place, insert the following:

**SEC. 2. 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 as a condition for a hospital to be a participating provider under the State plan under title XIX to enter into a waiver of such plan, for the State to establish a system to collect and make publicly available and accessible 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 under 45 C.F.R. (title 45) 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. 1396b) as previously 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 during any calendar quarter for which the State receives payments under such subsection shall, in addition to any other increase to such Federal matching percentage, be increased in 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 (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. 3. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE LOWER PREMIUM CATASTROPHIC 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:

(2) CONSUMER FREEDOM.—For plan years beginning on or after January 1, 2018, paragraphs (1) through (3) of subsection (e) shall 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) through (3) of subsection (e) of such Act”;

(2) in paragraph (2), by inserting “and including, with respect to plan years beginning on or after January 1, 2018, paragraphs (1) through (3) of subsection (e) of such Act”;

(3) in paragraph (3), by inserting “and including, with respect to plan years beginning on or after January 1, 2018, paragraphs (1) through (3) of subsection (e) of such Act”;

(4) in paragraph (4), by inserting “and including, with respect to plan years beginning on or after January 1, 2018, paragraphs (1) through (3) of subsection (e) of such Act”;

(c) ALLOWANCE OF PREMIUM TAX CREDIT FOR CATASTROPHIC PLANS.—

(1) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by striking “IRS” and inserting “Department of Health and Human Services”.

(2) EFFECTIVE DATE.—The amendment made by this section 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:

BECAUSE on page 667, line 7, strike “or” and all that follows through page 687, line 2, and insert the following:

(B) in accordance with the Quality Standards established for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (commonly referred to as the “CIGIE Silver Book”);

(C) if not prepared in accordance with the standards referred to in subparagraphs (A) or (B), in accordance with the Quality Standards for Federal Offices of Inspector General (commonly referred to as the “CIGIE Blue Book”).

(2) SPECIFICATION OF QUALITY STANDARDS FOLLOWED.—Each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall cite within such product the quality standards followed in conducting and reporting the work concerned.

(3) WAIVER.—An Inspector General may waive the applicability of paragraph (1) to a specific product relating to the oversight by an Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Inspector General
SEC. 710. ELIGIBILITY FOR TRICARE FOR VETERANS ENTITLED TO MEDICARE BENEFITS DUE TO CONDITIONS OR INJURIES INCURRED DURING SERVICE IN THE ARMED FORCES.

(a) TRICARE PROVISIONS.—

(1) IN GENERAL.—The Secretary of Defense shall establish a method for providing reimbursement for the following:

(A) by redesignating subparagraph (B) as clause (ii); and
(B) by striking ‘‘(6)(A) Except as provided in subparagraph (A)(i) who—’’ and inserting ‘‘(6)(A) Except as provided in subparagraph (A)(ii) who—’’.

(2) ALLOWANCE OF ONE CHANGE OF ENROLLMENT.—Such section is further amended by adding at the end the following new paragraph:

(6)(A) Except as provided in subparagraph (B), after the end of the special enrollment period provided under section 1086(d)(2)(B) of title 10, United States Code, an individual described in paragraph (2)(B) may switch only once from enrollment in the TRICARE program, as defined in section 1072 of title 10, United States Code, to enrollment of a health plan under such section. Such period shall begin as soon as possible after the date of the enactment of this Act. The Secretary shall provide to individuals described in paragraph (2)(B) of section 1086(d)(2)(B) of title 10, United States Code, as added by subsection (a), and notify those individuals about their entitlement to a benefit described in subparagraph (A) of such section; or

(7) N OTE.—This amendment is narrowly focused on the military yet the legislative history suggests a broader aim to reduce veteran enrollment penalties. The amendment seeks to allow a one-time change of enrollment from TRICARE to Medicare for eligible veterans, with the change to begin no later than six months from the date of the act's passage. This could provide some relief to current TRICARE beneficiaries who may wish to switch to Medicare due to changes in eligibility or personal circumstances. It's important to note that the amendment was crucial for simplifying the transition process for veterans who may need Medicare coverage.
provider networks, future enrollment opportunities, and penalties for the various health insurance plans available to assist those individuals in making appropriate health insurance choices.

(B) TIMING.—The Secretary shall provide the educational materials, information, and counseling described in subparagraph (A) to an individual described in paragraph (1) before the individual elects to change enrollment between the TRICARE program, as defined in section 1072 of title 10, United States Code, and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395m et seq.).

SA 245. 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. 7. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS. Plan survivor annuities by Defense and indemnity compensation.

(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).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(c) Conforming Amendments.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subsection (m).

(C) In section 1452—

(i) in subsection (o)(2), by striking “does not apply” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1456(c), by striking “1456(c)(2),”.

(b) Prohibition on Retroactive Benefits.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) Prohibition on Receipt of Certain Amounts.—Amounts refunded to SBP retirees is refunded to the United States Government, in accordance with the amendments made by subsection (a).

(d) Right to File on Behalf of a Decedent.—(A) In paragraph (5), by striking “or” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following—“(7) any service for which credit is allowed under section 8332(b)(18) of this title.”.

(b) applicability.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuity commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITIES.—

(c) IN GENERAL.—Any individual who is entitled to an annuity for the month in which this section becomes effective may, upon submitting an application to the Office of Personnel Management not more than 2 years after the effective date of this section, have 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 effective as of the commencement date of the annuity, and any additional amounts becoming payable for periods before the effective date at which the recomputation is reflected in the regular monthly annuity payments of an individual shall be payable to the individual in the form of a lump-sum payment.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(a) IN GENERAL.—Any individual not described in paragraph (2) who becomes eligible for an annuity as a result of the enactment of this section may elect to have the rights of the individual under subsection (d) of section 8332(b)(18) 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 have been 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 individual separates from service.

(b) Commencement Date, Etc.—

(1) IN GENERAL.—Any entitlement to an annuity, or to an increased annuity resulting from the application of a subparagraph, is computed as if an application for that annuity had been made as if an application for that annuity was timely submitted before the effective date of this section at which the recomputation is reflected in the regular monthly annuity payments of an individual shall be payable to the individual in the form of a lump-sum payment.

(2) Retroactivity.—Any determination of the amount, or of the commencement date, of any annuity, or of the requirements for entitlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this section at which the recomputation is reflected in the regular monthly annuity payments of an individual shall be made as if an application for that annuity was 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 on the basis of which that annuity is or may be based.

(A) Right to File on Behalf of a Decedent.—

(A) IN GENERAL.—The regulations under subsection (d)(1) shall include provisions, consistent with the order of precedence set

ANNUITY FOR DEPENDENT CHILDREN.—Section 8332(b) of title 5, United States Code, is amended—

(1) by striking “DEPENDENT CHILDREN.”;

(2) by striking subparagraph (B).
forth in section 832(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 832(b)(18) of that title (as added by subsection (b) 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(f) 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.

(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 832(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.).

(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 832(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that service shall be deemed to apply by deeming the reference to the other event which gives rise to title to the benefit” to refer to the event described in subsection (a) if 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.—

(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.

SA 427. Mr. BROWN (for himself and Mr. PORTMAN) 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. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE FOR UNMANNELED AIRCRAFT SYSTEMS.

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing standards, policies, and procedures for sense and avoid capabilities for unmanned aircraft systems.

(2) ELEMENTS.—The collaboration required by paragraph (1) shall include the following:

(A) Sharing information and technology on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system and fielding remote and virtual towers.

(B) Building upon the experience of the Air Force and the Department of Defense to implement the decision, issued on July 1, 2017, to collaborate, under Department of Defense Directive 4400.01E, entitled “Defense Production Act Programs” and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950, 41 U.S.C. 4531 et seq. to:

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the Department of Defense Executive Agent for the program described in subsection (a) on and after the date of the enactment of this Act.

SA 429. Mr. LANKFORD (for himself and Mr. RUBIO) 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 appropriate place, insert the following:

SEC. 1. MEMBERS OF HEALTH CARE SHARING MINISTRIES ELIGIBLE TO ESTABLISH HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

(1) REGULATIONS.—

(B) CONTENTS.—The regulations prescribed under paragraph (1) 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 832(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.).

(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 832(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that service shall be deemed to apply by deeming the reference to the other event which gives rise to title to the benefit” to refer to the event described in subsection (a) if the event that would otherwise apply.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

SA 430. Mr. LANKFORD submitted an amendment intended to be proposed by amendment SA 430 submitted 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. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds as follows:

(1) The employer mandate in 2015 has had a devastating impact on the job market in the United States since it took effect in its earliest form in 2015. Small businesses and the jobs they create have been stymied by the punishing consequences of this government mandate.

(2) Under Obamacare, the employer mandate generally imposes a tax penalty on employers if they have 50 or more full-time equivalent employees and do not offer health insurance that meets all of the standards under the law.

(3) In 2015, the Congressional Budget Office (referred to in this section as “CBO”) found that these penalties are being passed on to employees in the form of reduced wages. In 2016, these reduced wages equaled $2,160 per employee according to CBO’s estimates. This means that any company that ignored the employer mandate in 2016 is likely to face fines of over $2,000 per employee in 2017.

(4) CBO expects that, by 2025, the amount of reduced wages per worker will balloon to $3,500.
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 employees 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 work week rather than a 30-hour work week would allocate $45,000,000,000 in tax penalties on employers over the following decade.

(9) The employer mandate 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 are well into year 2 of mandatory compliance with this onerous mandate and its negative effect on jobs.

(b) SENATE.—It is the sense of the Senate that the committee of jurisdiction of the Senate should review—

(1) the economic impact that Obamacare’s employer mandate and redefinition of full-time employment as a 30-hour work week has had on businesses, employee wages, and the job market as a whole; and

(2) 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 and damaging because it forces one more hour and better pay for American workers.

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. 953. REQUIREMENT FOR NATIONAL LANGUAGE SERVICE CORPS.

(a) In general.—Subsection (a)(1) of title 12 of chapter 50 of the Code is amended—

(1) by redesignating paragraph (1) as paragraph (2); and

(2) by redesignating paragraph (2) as paragraph (4).
At the appropriate place in subtitle C of title XVI, insert the following:

SEC. 438. REPORT ON PROGRESS MADE IN IMPLEMENTING THE CYBER EXCEPTED PERSONNEL SYSTEM.

Section 1599(h)(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 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 congress a comprehensive 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 for depot-level maintenance 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. 583. 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 block explicitly identified as the location in which a member of the Armed Forces may provide one or more electronic mail addresses by which he or she may be contacted 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 modify the Certificate of Release or Discharge from Active Duty, modified as required by subsection (a), not later than one year after the date of the enactment of this Act.

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 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 the bill H.R. 1628, to the provision for incentive to cyber personnel or organizations to share best practices for depot-level maintenance among the military services.

SEC. 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 appropriate place in the bill H.R. 1628, to the provision for incentive to cyber personnel or organizations to share best practices for depot-level maintenance among the military services.

SEC. 440. 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 appropriate place in the bill H.R. 1628, to the provision for incentive to cyber personnel or organizations to share best practices for depot-level maintenance among the military services.

On page 8, strike line 11 and insert the following:

SEC. 583. 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 block explicitly identified as the location in which a member of the Armed Forces may provide one or more electronic mail addresses by which he or she may be contacted 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 modify the Certificate of Release or Discharge from Active Duty, modified as required by subsection (a), not later than one year after the date of the enactment of this Act.

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. 442. 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 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.

(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. 444. 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 PRIVATIZE MEDICARE OR LIMIT FEDERAL FUNDING FOR 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 Medicaid program under title XVIII of the Social Security Act (42 U.S.C. 1396 et seq.); or

(2) make any Federal funding program turn the program into a voucher system; or

(3) decrease or cap Federal funding of State Medicaid programs under title XIX of such Act (42 U.S.C. 1396 et seq.), 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 services to low-income, elderly individuals under the eligibility option established by the Affordable Care Act in section 1902(a)(10)(A)(i)(VIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)).

(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, or 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 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), underserved areas described in section 1902(b), 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 TRAUMA, COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.

(a) COVERAGE OF CYBER HARASSMENT OF A SEXUAL NATURE.—Paragraph (1) of section 1124A 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 (2)(A) 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-CONNECTED 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, if consistent with the facts of service, notwithstanding the fact that there is no official record of such occurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such covered mental health condition may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

"(2) In this subsection:

"(A) The term ‘covered mental health condition’ means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

"(B) The term ‘military sexual trauma’ means with respect to a veteran direct or indirect assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment which occurred during active military, naval, or air service."

(b) USE OF EVIDENCE IN EVALUATING DISABILITY CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.

"(1) IN GENERAL.—Subchapter VI of chapter 11 of such title is amended by adding at the end the following new section:

"§ 1164. 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 claimant, or a compensable injury 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) Examples 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.

"(E) 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 a 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.

"(F) SERVICE AND OPPORTUNITY 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 corroborating evidence of the assault, battery, or harassment; and

(2) allow 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 that is described in subsection (a) or (b), the Secretary may submit such evidence to such medical or mental health professional as the Secretary considers appropriate to provide a credible opinion as to whether the evidence indicates that an assault, battery, or harassment described in subsection (a)(1) occurred.

(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 described in paragraph (1).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

"116. 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 covered claims submitted during the fiscal year covered by the report.

(2) Of the covered claims listed under paragraph (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.

(3) Of the covered claims listed under paragraph (1) that were approved, the number and percentage, disaggregated by sex, of claims rated as the lowest rating percentage.

(4) Of the covered claims listed under paragraph (1) that were denied—

(A) the three most common reasons given by the Secretary under section 516(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.

(5) The number of covered claims that, as of the end of the fiscal year covered by the report, are pending and, separately, the number of covered claims on appeal.

(6) For the fiscal year covered by the report, the average number of days that covered claims take to complete, beginning on the date on which they are assigned to be first considered.

(7) A description of the training that the Secretary provides to employees of the Veterans 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 mental health condition alleged to have been incurred or aggravated by military sexual trauma.

(2) The terms ‘covered mental health condition’ and ‘military sexual trauma’ have the meanings given such terms in section 1154(c)(8) of this title.

(d) EFFECTIVE DATE.—Subsection (c) of section 1154 of title 38, United States Code, as added by subsection (b), 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. 16. INFORMATION FOR MEMBERS OF THE ARMED FORCES REGARDING AVAILABLE SERVICES AT VET CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall inform members of the Armed Forces, using mechanisms available to the Secretary, of 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(h) of such title.

(2) VET CENTER.—The term ‘Vet Center’ has the meaning given that term in section 1712A(h) of such title.

SA 449. 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:

On page 192, strike lines 21 through 24.

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, 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 III, add the following:

TITLE XVII—JUSTICE FOR SERVICEMEMBERS AND VETERANS

SECTION 1700. SHORT TITLE.

This title may be cited as the ‘‘Justice for Servicemembers and Veterans Act of 2017.’’

Subtitle A—Employment and Reemployment Rights

SECTION 1701. ACTION FOR RELIEF IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS; MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

(a) INITIATION OF ACTIONS.—Paragraph (1) of subsection (a) of section 4123 of title 38, United States Code, is amended by striking the third sentence and inserting the following sentence:

‘‘(1) if the Attorney General has made a decision about whether the United States will commence an action for relief under this chapter, including on behalf of the person. The person on whose behalf the complaint is referred may, upon timely application, intervene in such action and obtain such appropriate relief as provided in subsections (d) and (e).’’;

(b) ATTORNEY GENERAL NOTICE TO SERVICE-MEMBER OF DECISION.—Paragraph (2) of such subsection is amended to read as follows:

‘‘(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

(i) if the Attorney General has made a decision about whether the United States will commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

(B) If the Attorney General notifies a person under paragraph (2)(A), the Attorney General shall inform the Attorney General of the person’s reason for his decision. The person of such decision.’’;

(c) ATTORNEY GENERAL NOTICE TO OTHER PERSON.

The first sentence of subsection (b) is amended to read as follows:

‘‘Notwithstanding subsection (a), the Attorney General may commence an action for relief under this chapter, including on behalf of the person. The person on whose behalf the complaint is referred may, upon timely application, intervene in such action and obtain such appropriate relief as provided in subsections (d) and (e).’’;

(d) REVIEW OF EVIDENCE.—Paragraph (2) of such section is amended to read as follows:

‘‘(2) allowing the veteran an opportunity to advise the veteran that evidence described in subsection (a)(1) is credited to the credit of the veteran’s appeals if the veteran chooses to credit such evidence;”;

(e) POINT OF CONTACT.—The Secretary of Veterans Affairs for which no final decision has been made by the date of enactment of this Act.

References:

Section 206(b)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)(1)) is amended by striking "$250,000" and inserting "$1,000,000."
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 (a)(2) 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)(1) 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 4233(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 any 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 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, or Federal financial assistance that is a part of the events or omissions giving rise to the claim occurred; or

‘‘(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 3931(b)(1) of title 38, United States Code, as amended, is 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;’’

‘‘(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 events or omissions 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.

Section 4233(f) of title 38, United States Code, is amended—

(1) by inserting ‘‘United States’’ after ‘‘any’’ and ‘‘or’’ and ‘‘and’’ and ‘‘the’’; and

(2) by striking ‘‘or by the United States’’ after ‘‘the’’.

SEC. 1705. CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

‘‘(i) ISSUANCE 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 any documentary material relevant to an investigation under this chapter, the Attorney General may, before commencing a civil action under this chapter, either serve 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; and

(2) The provisions governing the authority to issue, use, and enforce civil investigative demands under section 3933 of title 38 (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 applicable 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;

(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 RESUMES EMPLOYMENT.

Section 4331(a)(3) of title 38, United States Code, is amended—

(1) before the period 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 4313 of title 38, United States Code, is amended by adding at the end the following new subsection:

‘‘(c) For purposes of this section, the employer shall have the burden of identifying the appropriate reemployment positions.’’.
following new subsection:

4041) is amended by adding at the end the fol-

lowing new subsection:

a) in general.—section 801 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; and

"(a)(ii) the servicemember has a meritorious or legal defense to the action or some part of it; or

"(b) an attorney appointed to represent the servicemember failed to adequately rep-

resent the best interests of the defendant.

b) in general.—section 501 of the servicemembers civil relief act (50 u.s.c. 3931(g)) is amended by adding at the end the following new subsection:

"sec. 1714. harmonization of sections.

"(a) in general.—section 303 of the servicemembers civil relief act (50 u.s.c. 3933) is amended—

1) in subsection (b), in the matter before paragraph (1), by striking "filed" and insert-

ing "pending"; and

2) in subsection (c)(1), by striking "with a return made and approved by the court".

(b) repeal of sunset.—section 710(d) of the honoring america's veterans and caring for camp lejeune families act of 2012 (public law 112-154; 50 u.s.c. 3933 note) is amend-

ed—

1) by striking "extension of sunset" and all that follows through "subparagraph (c)" and inserting "termination of residential and motor vehicle leases."

2) by striking paragraph (3).

(c) termination of residential and motor vehicle leases.—

"(a) termination of residential leases.—

"(1) in general.—section 305 of the servicemembers civil relief act (50 u.s.c. 3935) is amended—

 mediante the agreement of the parties

or after the date of the servicemember's termi-

nation or release from military service.

"(b) in the case of a lease described in subsection (b)(1), the date at which the lease is assigned to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional li-
cense or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"(c) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"(2) waiver not permissible.—such section is further amended by adding at the end the following new subsection:

"(i) waiver not permitted.—the provi-
sions of this section may not be waived or modified by the agreement of the parties under any circumstances.

"(d) congressional record.—senate

s4461

july 27, 2017

congressional record — senate

"(e) portability of professional li-
censes.—section 705a of the military housing privatization initiative (50 u.s.c. 3935 note) is amended by adding after section 705 (50 u.s.c. 3925) the following new section:

"sec. 705a. portability of professional li-
censes of servicemembers 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 the spouse of such servicemember relocates to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"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 the spouse of such servicemember relocates to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"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 the spouse of such servicemember relocates to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"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 the spouse of such servicemember relocates to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"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 the spouse of such servicemember relocates to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.

"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 the spouse of such servicemember relocates to or otherwise relo-
cates to quarters of the united states or a housing facility under the jurisdiction of a person who has a professional license or certification (as defined in section 101 of title 37, united states code), including housing provided under the military housing privatization initiative.
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. 1054a) 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.

"(b) Continuation.—If an individual who is a member of the armed forces, or the spouse or dependent child of such member, pays tuition 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) 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

"(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.—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 term 'armed forces' has the meaning given the term in section 101 of title 10, United States Code.''.

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. 135. 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 service records 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 specializations 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. 6. FINANCING OF EXPORTATION OF DEFENSE ARTICLES AND DEFENSE SERVICES BY EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 202 of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(I)(I)) is amended to read as follows:

"(1)(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 OF 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 of terms of discharge of members of the armed forces who are survivors of sexual assault;''.


(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 of terms of discharge of members of the armed forces who are survivors of sexual assault.''.

(3) Conforming Referral.—Section 547 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(b) Terminology.—Section 1544b of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) in subsection (a), by striking "victim" each place it appears and inserting "survivor"; and

(2) by striking "sex-related" each place it appears and inserting "sexual assault".

(c) Clarification of Applicability to Individuals Who Alleged They Were a Survivor of Sexual Assault During Military Service.—Section 1544b, as so added, is further amended by inserting after "sexual assault offense" the following:—

"; or, alleges that the individual was the survivor of a sexual assault offense.

(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, including evidence from sources other than records of the armed force concerned that may corroborate the individual's account of the sexual assault (including evidence of changes in the individual's behavior after the offense and other circumstantial evidence that may corroborate the individual's account of the sexual assault)."

(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):

"(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 psychiatrist who has had training in sexual trauma cases.”.

(f) CONFORMING AMENDMENTS.— Such section 1554b, as so added, is further amended—

(1) in subsection (f), by striking ‘‘armed forces’’ each place it appears in subsections (a) and (b) and inserting ‘‘armed forces’’;

(2) in subsection (a)—

(A) by striking paragraphs for the correction of military records of the military department concerned and inserting ‘‘boards of the military department concerned’’;

(B) by striking ‘‘such an offense’’ and inserting ‘‘a sexual-assault offense’’;

(3) in subsection (b), by striking ‘‘boards for the correction of military records’’ and inserting ‘‘boards of the military department concerned established in accordance with this chapter’’; and

(4) in subsection (e), as redesignated by subsection (e)(1) of this section—

(A) in the subsection heading, by striking ‘‘SEX-RELATED’’ and inserting ‘‘SEXUAL ASSAULT’’;

(B) in paragraph (1), by striking ‘‘title 10, United States Code’’ and inserting ‘‘this title’’; and

(C) in paragraphs (2) and (3), by striking ‘‘such title’’ and inserting ‘‘this title’’.

SEC. 1702. AUTHORITY FOR DISCHARGE REVIEW BOARDS TO REFER CERTAIN APPLICATIONS FOR RELIEF TO THE PHYSICAL DISABILITY BOARD OF REVIEW.

(a) AUTHORITY FOR DISCHARGE REVIEW BOARDS TO REFER CERTAIN APPLICATIONS FOR RELIEF TO THE PHYSICAL DISABILITY BOARD OF REVIEW.—

(1) AUTHORITY.— Subsection (b) of section 1553 of title 10, United States Code, is amended to read as follows—

‘‘(b) TREATMENT OF REFERRAL.—Section 1554a(b)(3) of title 10, United States Code, is amended to read as follows—

‘‘(b) TREATMENT OF REFERRAL.—Section 1554a(b)(3) 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 new subsection (f):

‘‘(f) REFERRALS FROM DISCHARGE REVIEW BOARDS TO DISCHARGE REVIEW BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—‘‘(1) A UTHORITY.—Subsection (b) of section 1552 of title 10, United States Code, is amended by adding at the end of that subsection—

‘‘(B) the personnel action occurred within the calendar quarter in which such an offense was a contributing factor in the personnel action.''

SEC. 1705. OTHER IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—

(1) USE OF SECRETARIAL AUTHORITY TO CORRECT MILITARY RECORDS.—Section 1552(a)(1) of title 10, United States Code, is amended by striking ‘‘may’’ both places it appears and inserting ‘‘shall’’.

(b) DISCHARGE REVIEW BOARDS.—

(2) INDEXING OF PUBLISHED DECISIONS.— Paragraph (5) of section 1552(a) of title 10, United States Code, is amended to read as follows—

‘‘(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. The information provided shall include a summary of each decision, to be indexed by subject matter, except that Sec. 1036(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328, 10 U.S.C. 105 note) is amended by adding at the end of that section—

‘‘(C) TREATMENT OF REFERRAL.—Section 1554a(b)(3) 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 new subsection (f):

‘‘(f) REFERRALS FROM DISCHARGE REVIEW BOARDS TO DISCHARGE REVIEW BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—‘‘(1) A UTHORITY.—Subsection (b) of section 1552 of title 10, United States Code, is amended by adding at the end of that subsection—

‘‘(B) the personnel action occurred within the calendar quarter in which such an offense was a contributing factor in the personnel action.’’.
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 subsection B of title II, add the following:

SEC. 458. 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. 457. ELIMINATION OF SEQUESTRATION.
The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended—

(a) in subsection (a), in the matter preceding paragraph (A), by striking "6 months before", and inserting "4 months before".

(b) in subsection (b), by striking "Within" and inserting "For each fiscal year beginning after October 1, 2017, if".

(c) in paragraph (4), by striking "fiscal year beginning October 1, 2017, within".

(d) in paragraph (5), by striking "beginning before October 1, 2017, if"; and

(e) in paragraph (6), by striking "The Administrator, and inserting "For each fiscal year beginning after October 1, 2017, if".

(f) in subsection (g), by striking "fiscal year beginning October 1, 2017, if".
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 the regular pay of the employee, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any payment, otherwise payable 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 4505 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. DONELLY 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. 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 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 trends in those relationships and their impact on the Government of North Korea.

(4) A description of the economic, political, and trade relationships between other countries and North Korea, and an identification of countries that may be undermining United States objectives identified in paragraph (5).

(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 security interests.

(7) An identification of any capability gaps and resourcing gaps that would impact the execution of any associated operational plan, and a mitigation plan to address such gaps.

(8) 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 Updates Required.—The President shall provide Congress with a quarterly written progress report on the implementation of a 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, 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. CYBERSECURITY OF INDUSTRIAL CONTROL SYSTEMS TO PROTECT CRITICAL INFRASTRUCTURE.

(a) In General.—The Secretary of Energy and the Secretary of Homeland Security shall collaborate with respect to matters relating to the cybersecurity of industrial control systems critical infrastructure, including with respect to:

(1) the work of the Department of Energy on the cybersecurity of energy delivery systems; and

(2) the work of the Department of Homeland Security on the cybersecurity of critical infrastructure.

(b) Center of Excellence.—There is established a center of excellence on the cybersecurity of industrial control systems for critical infrastructure.

(c) Membership.—The center of excellence established under paragraph (1) shall be composed of representatives of—

(A) the Department of Defense;

(B) the Department of Energy, including national laboratories of the Department of Energy; and

(C) the Department of Homeland Security.

SA 462. Mr. MORAN (for himself and Mr. ROBERTS) 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. 1. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) Findings.—Congress makes the following:

(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 have determined that a lack of transparency regarding process, metrics, and scoring on the matters covered by the Military Value Analysis model have made the 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 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.

(d) 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 to determine structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, military personnel and equipment.

(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 required for personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(C) 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 under 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 subsection:

‘‘(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 engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination following a hearing, 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 at 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 and seizures, carry firearms, and serve orders, warrants, and other processes;

‘‘(C) is not currently under investigation, has not engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination following a hearing, has not been dismissed from a law enforcement officer position; and

‘‘(D) holds a current Tier 4 background investigation or current Tier 5 background investigation and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; 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 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.

‘‘(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.

‘‘(d) REPORTS.—The Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period:

‘‘(1) the number of waivers requested, granted, and denied under section 3(b);

‘‘(2) the reasons for any denials of such waivers;

‘‘(3) the percentage of applicants who were hired after receiving a waiver;

‘‘(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

‘‘(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

‘‘(6) additional authorities needed by U.S. Customs and Border Protection to implement the polygraph waiver program for its intended goals.

‘‘(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include:

‘‘(1) an analysis of other methods of employment suitability tests that 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).

(b) 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 655–200 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. 6. 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—

(A) 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 gross domestic product for the fiscal year immediately preceding the fiscal year in which the report is submitted; and

(B) the activities of each such country to contribute to military and security operations in which the Armed Forces of the United States are a participant.
(C) any limitations placed by any such country on the use of such contributions; and
(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain classified annexes.

(c) 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; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The term “ally” includes the following:

(A) Any signatory of a mutual defense treaty with the United States.

(B) Any country designated as a “major non-NATO ally” under section 2301a of title 10, United States Code, or pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).

(C) Any other ally or partner with a security memorandum of understanding or other security arrangement with the United States.

SA 465. 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 appropriate place, insert the following:

SEC. 509. 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” means—

(1) a military operation—

(A) involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated; and

(B) with the aim of—

(i) preventing 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 1674 (2006);

(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 coalitions formed to address specific humanitarian catastrophes; and

(3) does not mean a military operation undertaken—

(A) to respond to 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; and

(B) as a direct act of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces; or

(C) to invoke the inherent right to individual or collective self-defense in accordance with article 51 of the Charter of the United Nations;

(D) as a military mission to protect or rescue United States citizens or military or diplomatic personnel abroad;

(E) to carry out treaty commitments to directly aid allies in distress;

(F) as a humanitarian mission, not to exceed 30 days, to regions where no civil unrest or combat with hostile forces is reasonably anticipated;

(G) to maintain maritime freedom of navigation, including actions aimed at combating piracy; or

(H) 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 uses 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:

At the end of subtitle G of title XII, add the following:

SEC. 1085. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—Section 4001 of title 18, United States Code, is amended by striking subsection (b) as amended by section 325 of the Omnibus Appropriations Act, 2018, United States Code, as amended by subsection (a) of this section.

(b) by inserting after subsection (a) the following:

“(5) Family members searching for David have reported to the Department of State that they believed that he fell into the river when he traveled through the 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 traveled 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 was 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 video 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

SEC. 12. 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, 2001, 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) 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 traveled 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 was 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 video 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

SEC. 12. SENSE OF SENATE ON THE DISAPPEARANCE OF DAVID SNEDDON.
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 citizen 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 in the Asian United States 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 North Korean agents, and the Government of the People’s Republic of China allows North Korean agents to operate throughout the region; and foreign languages, such as prominent North Korean defector Kang Byong-sop and members of his family who were captured near the China-Laos 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 and for the collection and utilization of personal and cultural skills to infiltrate foreign nations;

(C) Charles Robert Jenkins, a United States soldier who deserted his unit in South Korea for nearly 40 years, left North Korea 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 and for the collection and utilization of personal and cultural skills to infiltrate foreign nations;

(D) David Sneddon is fluent in the Korean language and has learned 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 Nuclear Framework Agreement Act of 2005 (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 foreign citizens by the Democratic People’s Republic of 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 abduction affairs shared with the United States its expert analysis in 2012 about information it stated was received ‘from a reliable source’ that a United States citizen had been captured near the border as a result of David Sneddon’s description was taken from China by North Korean agents in August 2004; and

(H) 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’.

(b) Senate—The Senate—(1) expresses its ongoing concern about the disappearance of David Louis Sneddon in Yunnan Province, People’s Republic of China, in particular the involvement of the Government of 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 solicit information from appropriate regional authorities and law enforcement experts on plausible explanations for David’s disappearance; (4) encourages the Department of State and the intelligence community to continue 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 H.R. 2810, to authorize appropriation to the Secretary of the Treasury 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 be reported as follows:

SEC. 4. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(b) RETROACTIVE EFFECT.—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in that State was made in 2014, and the withdrawal, amendment, or modification was inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(c) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(1) implementation and operation of the withdrawal, amendment, or modification, and for the period for which the withdrawal, amendment, or modification is in effect with respect to the State with a State management plan, for the effectiveness of the Federal land management plan applicable to Federal land in that State with respect to the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan; and

(d) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(3) RELATION TO NATIONWIDE ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.

(C) Protection and Recovery of Greater Sage-Grouse.—

(1) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(2) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the Environmental Impact Statement of the China and Threatened Wildlife and Plants: 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered Species; 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as a Threatened Species; and 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered Species of the United States; Public Law 108–333 (October 2, 2003) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.

(E) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other Federal action, court order, legal settlement, or any other provision of law or in equity.

(F) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall be considered to not warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (97 Stat. 2562, 16 U.S.C. 1531 et seq.) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.
SEC. 112. MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.
(a) In General.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(E) Membership in health care sharing ministry.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under a high deductible health plan if—

1. the total amount paid for health care services by all members of the health care sharing ministry in any calendar year is at least 1/12 of $10,800 ($29,500 in the case of a family), and

2. the total amount paid for health care services by all members of the health care sharing ministry in any calendar year is at least 1/12 of $15,600 ($44,250 in the case of a family).

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

SEC. 113. TREATMENT OF DIRECT PRIMARY CARE SERVICES.
(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 after paragraph (E) the following new subparagraph:

"(F) Treatment of direct primary care services.—For purposes of this section—

1. Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

2. The term "direct primary care service arrangement" means an arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.

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

SEC. 114. SHORT-TERM LIMITED DURATION INSURANCE.
(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 after paragraph (E) the following new subparagraph:

"(F) Treatment of direct primary care services.—For purposes of this section—

1. Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

2. The term "direct primary care service arrangement" means an arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.

(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 by redesignating paragraphs (4), (6), and (7) as paragraphs (3), (4), and (5), respectively.

(b) Conforming Amendments.
(1) Paragraph (b)(1) of section 223(b) of the Internal Revenue Code of 1986 is amended by—

(A) in paragraph (1)(B), by striking "determined by" and all that follows and inserting "1⁄12 of $10,800 ($29,500 in the case of a family)".

(B) in paragraph (1)(B), by striking "and all that follows and inserting "1⁄12 of $10,800 ($29,500 in the case of a family)".

(2) Section 223(e) of such Code is amended by—

(A) in paragraph (1), by striking "subsections (b)(2) and (b)(3) of such section", and inserting "subsections (b)(2), (b)(3), and (b)(4) of such section", and

(B) in paragraph (1)(B), by striking "determined by" and "and all that follows through "and inserting "determined by" and "and all that follows through ".

(a) (b) by redesignating paragraph (2) and (3) of section 223(e) of such Code, as redesignated by the preceding subsections, as paragraphs (4) and (5), respectively, and inserting "1⁄12 of $15,600 ($44,250 in the case of a family)" and "1⁄12 of $15,600 ($44,250 in the case of a family)" after paragraphs (4) and (5), as so redesignated, respectively, and

(B) in the last sentence of subsection (a), by inserting the following:

""(d) DETERMINATION.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

(A) such dollar amount, multiplied by

(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such tax year begins, determined by substituting "2017" for "1992" in subparagraph (B) thereof.

""(E) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such tax year begins, determined by substituting "2017" for "1992" in subparagraph (B) thereof.""
(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**Sec. 116. PURCHASE OF INSURANCE FROM A HIGH DEDUCTIBLE HEALTH PLAN.**

(a) **In General.**—Paragraph (2) of section 222(d) of the Internal Revenue Code of 1986, as amended by section 112(a), is amended—

(1) by striking “any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof of such individual)” in subparagraph (A) and inserting—

“‘any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual’s taxable year’”;

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

“(B) **Health Insurance May Not Be Purchased From Account.**—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance, and

(3) by striking “or” at the end of subparagraph (C)(ii), by striking the period at the end of subparagraphs (C)(v) and inserting “or”, and by adding at the end the following:

“(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage, or

(II) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125 or 402(l)).”.

**Effective Date.**—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

**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) **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 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.”.

**Effective Date.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

**Sec. 118. EXCLUSION FROM INDIVIDUAL TAX LIMITATION FOR coverages for abortion.**

(a) **In General.**—Subparagraph (C) of section 223(c)(2) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following flush sentence:

“A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother) and (D) as provided under a high deductible health plan with respect to a pregnancy that is the result of an act of rape or incest.”.

(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. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

(a) **Patient Protection and Affordable Care Act.**—Effective on January 1, 2018, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of 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, 2018, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of such Act are restored or revived as if such Act had not been enacted.

**Sec. 120. MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.**

(a) **In General.**—Paragraph (2) of section 222(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) **MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.**—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(i)) shall be treated as coverage under a high deductible health plan.”.

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

**Sec. 121. TREATMENT OF DIRECT PRIMARY CARE SERVICES.**

(a) **In General.**—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new subparagraph:

“(F) **TREATMENT OF DIRECT PRIMARY CARE SERVICES.**—For purposes of this section—

(1) in general.—Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

(2) **Direct Primary Care Service Arrangement.**—The term ‘direct primary care service arrangement’ means an arrangement under which an insurance plan, or such an insurance plan is provided, for coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.”.

**Effective Date.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

**Sec. 114. 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 “½ of $1,800” and all that follows and inserting “½ of $10,800 (20½ of $20,500 in the case of a joint return)”.

(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 by redesignating paragraphs (4), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.**

(2) **Section (3) of section 223(b) of such Code (as so redesignated) is amended by striking the last sentence.**

(3) **Section 223(g) of such Code is amended—**

(A) in paragraph (1), by striking “subsections (b)(2) and (3) both places it appears and inserting “subsection (b)(2)”,

(B) **in paragraph (3), by striking “determination by the” and all that follows through “calendar year 2003” and inserting “determination by substituting ‘calendar year 2003’ for ‘calendar year 1992’ in subparagraph (B) thereof.”.**

(C) **by redesignating paragraph (2) as paragraph (3).**
(D) by inserting “or (2)” after “paragraph (1)” in paragraph (3), as so redesignated, and 
(E) by inserting after paragraph (1) the follow-
new paragraph: 
“(2) LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(a) such dollar amount, multiplied by
''(b) the cost-of-living adjustment deter-
mined under section 1(f)(3) for the calendar 
year in which such taxable year begins, de-
termined by substituting ‘2017’ for ‘1992’ in 
paragraph (2) thereof.’’

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

SEC. 115. PURCHASE OF INSURANCE FROM 
HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 
223(d) of the Internal Revenue Code of 1986, as 
added by section 110(a), is amended—

(1) by striking “and any dependent (as de-
defined in section 152, determined without re-
gard to subsections (b)(1), (b)(2), and (d)(1)(B) thereto) of any individual’’ in subparagraph (A) and inserting “such dependent (as defined in 
section 152, determined without regard to 
subsection (b)(1), (b)(2), and (d)(1)(B) thereto) of such individual, and any child (as de-
defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the
end of such individual’s taxable year’’;

(2) by striking subparagraph (B) and insert-
ning the following:

''(B) HEALTH INSURANCE MAY NOT BE PUR-
CHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.’’;

(3) by striking “or” at the end of para-
graph (C)(ii), by striking the period at the 
end of subparagraph (C)(iii), by striking the period at the end of subparagraph (D) thereof and adding at the end the following:

''(v) a high deductible health plan but only to
the extent of the portion of such expense in exces-
of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage.

''(II) any amount allowable as a deduction under section 162(1) with respect to such coverage,

''(III) any amount excludable from gross
income with respect to such coverage as 
under section 104(a) in the year in which such coverage is ordered to lie on the table; as fol-
ows:

''(1)'' in paragraph (3), as so redesignated, and
(E) by inserting after paragraph (1) the follow-
new paragraph:

“(2) the cost-of-living adjustment deter-
mined under section 1(f)(3) for the calendar 
year in which such taxable year begins, de-
termined by substituting ‘2017’ for ‘1992’ in 
paragraph (2) thereof.’’

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

SEC. 116. SPECIAL RULE FOR CERTAIN MEDICAL 
EXPENSES INCURRED BEFORE ESTAB-
LISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Inter-
nal Revenue Code of 1986 is amended by 
adding at the end the following subpara-
graph:

“(D) TREATMENT OF CERTAIN MEDICAL 
EXPENSES INCURRED BEFORE ESTABLISHMENT
OF ACCOUNT.—If a health savings account is estab-
lished during the 60-day period beginning on the date that coverage of the account bene-
thefab is a high deductible health plan begins, then, solely for purposes of deter-
mining whether an amount paid is used for a qualified medical expense, such account shall also be treated as having been established on the date that such coverage begins.’’

(b) EFFECTIVE DATE.—The amendmen
made by this subsection shall apply with re-
spect to coverage under a high deductible health plan beginning after December 31, 2017.
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 National Guard units require continuation training in order to maintain current qualification in the MQ-9 unmanned aerial vehicle;
(3) non-combat continuation training in the MQ-9 unmanned aerial vehicle is necessary for 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 provided to pilots and 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. 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:

At the appropriate place, insert the following:

SEC. 5. EMPOWERING FEDERAL EMPLOYMENT FOR VETERANS.

(a) ESTABLISHMENT OF VETERANS EMPLOYMENT PROGRAMS IN FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘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 Office 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 within 180 days;

(C) the term ‘veterans employment official’ means—

(i) the head of a Veterans Employment Program Office under section 2(a)(1); and

(ii) an employee designated to carry out a Veterans Employment Program for a covered agency under subparagraph (A)(i).

(2) VETERANS EMPLOYMENT PROGRAMS.—The head of a covered agency shall—

(A) establish or maintain a Veterans Employment Program Office within the covered agency;

(B) 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

(C) ensure the public availability of contact information for veterans employment officials to ensure engagement with prospective applicants.

(3) RESPONSIBILITIES.—A veterans employment official of a covered agency shall—

(A) enhance employment opportunities for veterans within the agency, consistent with law and merit system principles, including by developing and implementing—

(i) the agency’s 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; and

(C) target high-demand Federal occupations that are projected to have heavy recruitment needs.

(4) COORDINATION BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) IN GENERAL.—The Office of Personnel Management shall facilitate coordination among veterans employment officials of covered agencies to leverage resources and information to help match the skills and career aspirations of veterans to the needs of the agency.

(B) Duties of an agency employment official.—An agency employment official of a covered agency shall—

(i) 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;

(ii) 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;

(iii) provide the Director of the Office of Personnel Management with a report on—

(A) the development and implementation of training programs for human resources employees and hiring managers of Federal agencies;

(B) career development programs for veterans seeking employment; and

(C) efforts to promote the Federal Government as an employer of choice to transitioning members of the Armed Forces and veterans.

(b)-interagency council on veterans employment.

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established an interagency council on matters relating to the employment of veterans.

(B) DESIGNATION.—The council established by paragraph (1) shall be known as the “Interagency Council on Veterans Employment” (in this subsection referred to as the “Council”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall consist of—

(i) each covered agency (as defined in subsection (a)(1)); and

(ii) any other Executive agency (as defined in section 105 of title 5, United States Code) that the President may designate.

(B) CO-CHAIRS.—The Secretary of Labor and the Secretary of Veterans Affairs shall serve as Co-Chairs of the Council.

(C) CHAIR.—The Director of the Office of Personnel Management shall serve as the Chair of the Council.

(3) DUTIES.—The duties of the Council shall include each of the following:

(A) To advise and assist the President and the Director of the Office of Personnel Management on the employment needs relating to maintaining a coordinated Government-wide effort to increase the number of veterans employed by the Federal Government in positions that match the skills and career aspirations of veterans, by enhancing recruiting, hiring, retention, training and skills development, and job satisfaction.

(B) To serve 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, retaining, training 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.

(4) 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;
(ii) subgroups to promote coordination among veterans employment officials (as defined in subsection (a)(1));
(C) SECRETARY.—The Secretary, shall take such actions as may be necessary to ensure that each Federal agency participans in the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the SkillBridge initiative of the Department of Defense for fiscal year 2018 and for other purposes; which was ordered to lie on the table; as follows:

SA 481. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURKOWSKY) 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 A of title VI, add the following:

SEC. _COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS._

(a) COMPENSATION.—Section 206(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:

“(4) 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.—The period of maternity leave taken by a member of the reserve component of the Armed Forces in connection with the birth of a child shall count toward the member’s entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1233 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall be pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave commenced.

4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

“(F) Points at the rate of 12 a year for the taking of maternity leave.”;

5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—
(A) by redesignating paragraph (5) as paragraph (6); and
(B) by inserting after paragraph (4) the following new paragraph:

“(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.”.

(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 subtitile G of title X, add the following:

SEC. _LIMITATION ON USE OF FUNDS TO CLOSE BIOMEDICAL LEVEL 4 LABORATORIES._

None of the funds authorized to be appropriated 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 Homeland Security or other facility of the Department of Homeland Security 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 subtitile D of title IX, add the following:

SEC. _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 vessels 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:
Mr. CARDIN submitted an amendment (S.A. 486) 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. 1092. DEFINITIONS.

SEC. 1091. SHORT TITLE.

At the end of title X, add the following:

SEC. 1094. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

At the end of title VIII, strike subtitle E.

SEC. 1091. SHORT TITLE.

At the end of subtitle D of title I, add the following:

SEC. 1095. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

At the end of title II, add the following:

SEC. 1090. REPORTING REQUIREMENTS.
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. 1249. 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 665, line 4, insert after “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, and Mr. CORKY) 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 COOPERATION BETWEEN THE UNITED STATES AND INDIA.

(a) STRATEGY TO FURTHER COOPERATION.—

(1) IN GENERAL.—Not later than 180 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) ELEMENTS.—The strategy shall address the following:

(A) Common security challenges.

(B) The role of United States partners and allies in United States-India defense relations.

(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 the Secretary of Defense or the Secretary of State considers appropriate.

(b) INDIA AS MAJOR DEFENSE PARTNER.—

(1) FINDING.—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 leading to 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 use by the Department of Defense, the Department of State, and the Department of Commerce.

(c) RESPONSIBILITY FOR ENHANCED 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 make the designation required by subsection (a)(1)(B) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017.

(2) ADDITIONAL DUTIES.—In addition to the duties specified in clauses (1) and (11) of subsection (a)(1)(B) of such section 1292, the individual designated pursuant to paragraph (1) shall promote—

(A) enhanced defense trade with India for the benefit of job creation and commercial competitiveness in the United States;

(B) briefings.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, appropriate officials of the Office of the Secretary of Defense and appropriate officials of the Department of State shall brief the appropriate committees of Congress on the actions of the Department of Defense and the Department of State, respectively, to promote the competitiveness of United States defense exports to India. The requirement for briefings under this paragraph shall cease on the date of the designation of an individual pursuant to paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 491. 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 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:

Subchapter III—Open Government Data

§ 3561. Definitions

As used in this subchapter—

(1) the term ‘agency’ means—

(A) has the meaning given in the term section 3562; and

(B) includes the Federal Election Commission;

(2) the term ‘data’ means recorded information, regardless of form or media on which the data is recorded;

(3) the term ‘data asset’ means a collection of data elements or data sets that may be grouped together;

(4) the term ‘Director’ means the Director of the Office of Management and Budget;

(5) the term ‘Enterprise Data Inventory’ means a data inventory developed and maintained under section 3563;

(6) the terms ‘information resources management’, ‘information system’, and ‘information technology’ have the meanings given those terms in section 3522;

(7) 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;

(8) the term ‘metadata’ means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

(9) the term ‘open government data asset’ 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) reusable in 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; and

(10) the term ‘open license’ means a legal guarantee applied to a data asset that the data asset is made available—

(A) at no cost to the public; and

(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.
by an agency shall be published as machine-readable data.

(1) (b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and agency confidentiality requirements 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) be available under open licenses; and

(2) open Government data assets published by or for an agency shall be made available under an open license.

(2) Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, 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 confidentiality requirements for each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

(1) the utility of information to all users within and outside the agency; and

(2) the cost and benefits to the public of converting a particular 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.—The Chief Information Officer of each agency shall develop an open data plan that, at a minimum, the adoption of open format for all open Government data assets created or obtained by—

(1) 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) 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

(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) the compilation and publication of the Enterprise Data Inventory for the agency required under subsection (a);

(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 the development, sharing, and use of open Government data assets; and

(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 determining what data 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); and

(7) reviewing the information technology infrastructure of the agency and the impact of the implementation of data policies to ensure that the infrastructure is 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 any other source type, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections.

“(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director of General Services.

“§ 3566. Federal Data Catalog

“(a) FEDERAL DATA CATALOG REQUIRED.—The Administrator of General Services shall maintain a publicly accessible, online repository 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).

“(c) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1), and any contracts entered into after the date of enactment of this Act shall apply with respect to any contract entered into by an agency on or after such effective date.

“(d) 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’s use of open data assets in support of the agency’s current and new mission needs disposable assets, including each of the following:

“(1) E ANALYSIS CAPABILITIES; REPORT.—Not later than 1 year after the date of enactment of this Act and 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 a report on compliance with the requirements of this section and the amendments made by this section, including information on the requirements 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 Electronic Government the authority to jointly issue guidance required under this sub-subsection.

“(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 11103 of title 46, 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 information or records that may not 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. 3. REVIEW OF DISCHARGE CHARACTERIZATION OF FORMER MEMBERS OF THE ARMED FORCES WHO WERE DISCHARGED UNHONORABLE UNDER SECTION 601 OF THE NATIONAL SECURITY ACT.

“(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 from other than honorable to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the appropriate departments using 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 characterization, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable under subsection (a)(2). If, under this paragraph, such aggravating circumstances may not include—
A copy of the necessary files of the covered detailings what is being requested; and
(2) statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

When requesting a review, a covered member or the member’s representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge;

(B) an affidavit certifying that the member, or the member’s representative, does not have the documents specified in subparagraph (A).

If a covered member provides an affidavit described in subparagraph (B) of paragraph (a), the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense.

The absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(1).

REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

The term “covered member” means any individual to whom this section applies.

The term “discharge characterization” means the characterization under which a member of the Armed Forces was discharged or released, including “dishonorable”, “general”, “other than honorable”, and “honorable”.

The term “Don’t Ask Don’t Tell” means section 554 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don’t Ask, Don’t Tell Repeal Act of 2010 (Public Law 111–321).

The term “single-parent family” means a family in which one of the parents is a regular member of the armed forces.

The term “dual-parent family” means a family in which both parents are regular members of the armed forces.

The term “Priority Group 1 Children” means children as follows:

(1) A children of a member of the armed forces who died in line of duty on active duty.

(2) A children on active duty who previously incurred a wound or serious injury in combat in line of duty on active duty.

(3) A children in a single-parent family in which the parent is a regular member of the armed forces.

(4) A children in a dual-parent family in which one of the parents is a regular member of the armed forces.

The term “Priority Group 2 Children” means children as follows:

(1) A children of deployable parents (to be known as ‘Priority Group 2 Children’), including children as follows:

(A) A children of a member of the Individual Ready Reserve.

(B) A children of an employee of the Department of Defense who is on, or is within 90 days of commencing, an assignment overseas.

(C) A children of parents who support Department of Defense missions (to be known as ‘Priority Group 3 Children’), including children as follows:

(A) A children of a member of the Individual Ready Reserve.

(B) A children of an employee of the Department of Defense (other than an employee described in paragraph (2)(C)), including children of an employee of a non-appropriated fund instrumentality (NAFI) or otherwise paid by the government to an individual by reason of service to the armed forces, for military construction, or 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 OF CHILDREN 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

(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

ELIGIBILITY AND PRIORITY.—

Children are eligible for child care services at military child development centers on a full-time basis as follows:

(1) Children disproportionately affected by military deployment of their parents (to be known as ‘Priority Group 1 Children’), including children as follows:

(A) A children of a member of the armed forces who died in line of duty on active duty.

(B) A children on active duty who previously incurred a wound or serious injury in combat in line of duty on active duty.

(C) A children in a single-parent family in which the parent is a regular member of the armed forces.

(D) A children in a dual-parent family in which both parents are regular members of the armed forces.

(2) A children of deployable parents (to be known as ‘Priority Group 2 Children’), including children as follows:

(A) A children of a member of the Individual Ready Reserve.

(B) A children of an employee of the Department of Defense who is on, or is within 90 days of commencing, an assignment overseas.

(C) A children of parents who support Department of Defense missions (to be known as ‘Priority Group 3 Children’), including children as follows:

(A) A children of a member of the Individual Ready Reserve.

(B) A children of an employee of the Department of Defense (other than an employee described in paragraph (2)(C)), including children of an employee of a non-appropriated fund instrumentality (NAFI) or otherwise paid by the government to an individual by reason of service to the armed forces, for military construction, or 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 OF CHILDREN FOR MILITARY CHILD CARE SERVICES.
(C) Children of a contractor employee of the Department who is otherwise eligible for child care services under this subsection.

(b) PRIORITY OF ELIGIBILITY.—

(1) PRIORITY OF ELIGIBILITY. — 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. — 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 of eligibility or the priority of eligibility under such paragraph, as determined by the Secretary.

(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 policies and plans for the Department of Defense for the support of military family readiness developed pursuant to section 1781 of this title.

(2) PRESERVATION OF EXISTING ELIGIBILITY AND PRIORITY. — Nothing in the amendment made by section 1781 shall be construed as terminating, altering, or impairing the eligibility or priority for child care services at military child development centers of any military child or youth eligible, at the time section 1781 is enacted, for such services at such center without interruption.

(c) RESTATEMENT IN AUTHORITY ON ELIGIBILITY AND PRIORITY OF AUTHORITY FOR PROVISION OF CHILD CARE AND YOUTH PROGRAM SERVICES TO 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:

(2) AUTHORITY.—The Secretary of Defense may authorize participation in child or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under section 1793, where such children and youth are not dependent children of 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 XXVIII, insert the following:

SEC. 2. TECHNICAL CORRECTION TO WITHDRAWAL AND RESERVATION OF PUBLIC LAND AUTHORITY, LIME- STONE HILLS TRAINING AREA, MONTANA.


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:

At the appropriate place in title XXVIII, insert the following:

TITLE XXXVI—COAST GUARD

SEC. 3601. CERTAIN DELAYED EFFECTIVE DATES.

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) For the operation and maintenance of the Coast Guard, not otherwise provided for—

 ‘‘(A) $1,985,845,000 for fiscal year 2018, to remain available through September 30, 2022;

 ‘‘(B) $2,037,547,745 for fiscal year 2019, to remain available through September 30, 2023;

 ‘‘(C) $1,842,956,336 for fiscal year 2018; and

 ‘‘(D) $1,849,586,419 for fiscal year 2019.

 ‘‘(4) For the construction, operation, maintenance, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

 ‘‘(A) $20,307,690 for fiscal year 2018; and

 ‘‘(B) $20,734,151 for fiscal year 2019.

 ‘‘(5) To the Commandant of the Coast Guard for 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—

 ‘‘(A) $20,307,690 for fiscal year 2018; and

 ‘‘(B) $20,734,151 for fiscal year 2019.

 ‘‘(B) MILITARY TRAINING STUDENT LOADS.— The Coast Guard is authorized average military training student load for each of fiscal years 2018 and 2019 as follows:

 ‘‘(1) For recruit and special training, 2,500 student years.

 ‘‘(2) For flight training, 165 student years.

 ‘‘(3) For professional training in military and civilian institutions, 350 student years.

 ‘‘(4) For officer acquisition, 1,200 student years.”

Subtitle B—Coast Guard

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 at 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 141 the following new section:

‘‘§ 141a. 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 participant, who was scheduled to participate in such training, is unable or unavailable to participate in such training; the participant is a member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard described in paragraph (1), is able or available to participate in such training;

 ‘‘(2) such training, if made available to emergency response providers, would further
CONGRESSIONAL RECORD — SENATE

July 27, 2017

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 death); and

"(B) sections 2671 through 2680 of title 28 (relating to tort claims).

"(2) LIMITATION ON LIABILITY.—The individual described in paragraph (1) or that individual’s employer shall be liable for any claim arising out of such training."

(d) REVISIONS.—

Section 273 of title 14, United States Code, is amended—

(1) by inserting ‘‘(a) IN GENERAL.—’’ before ‘‘Any’’; and

(2) by striking ‘‘President’’ and inserting ‘‘Secretary’’; and

 SEC. 3623. COMMISSIONED SERVICE RETIREMENT. Section 291 of title 14, United States Code, is amended—

(1) by inserting ‘‘(a) IN GENERAL.—’’ before ‘‘Any’’; and

(2) by striking ‘‘President’’ and inserting ‘‘Secretary’’; and

(3) by adding at the end the following:

‘‘(b) ON THE COMMANDER’S SERVICE.—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 of a commissioned officer to a period of not less than eight years.’’. SEC. 3624. OFFICER PROMOTION ZONING. Section 296 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 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). (b) Section of the officer evaluation report under paragraph (1), 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—

"(1) to minimize any impact to officer duties; and

"(2) to eliminate any need for an officer to take liberty or leave for administrative purposes.

"(c) 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 unit, and the officer specialty management system, as applicable.

SEC. 3626. REGULAR CAPTAINS; RETIREMENT. Section 288(a) of title 14, United States Code, is amended—

"(1) I N GENERAL .—Not later than 5 years 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. 3627. NATIONAL COAST GUARD MUSEUM. Section 290(b) of title 14, United States Code, is amended to read as follows:

‘‘(2) EXPENDITURES.—The Secretary shall fund the operation and maintenance of the 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 Navy, in consultation with the Naval 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 (WAG-19) under a rolling recapitalization plan for 10 years.

(b) CONTENT.—The report required by paragraph (1) shall include the following:

"(A) a description of the service life extension needs of the vessel;

"(B) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

"(C) 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.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Commandant of the Coast Guard may listed member of the Coast Guard permits, for not later than 1 year after the date of such birth or adoption and at the discretion of the Commanding Officer—

"(A) assign the officer or member, as applicable, to take such leave in increments; and

"(B) flexible work schedules (as defined in regulation promulgated by the Secretary) for the officer or member, as applicable, until all such leave is expended.”.
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 under section 3611 of this Act.

SEC. 3635. 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 shall submit to the Committee on Commerce, Science, and Technology 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 activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Continuing 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.

"702. Chemical Transportation Advisory Committee.

"703. Commercial Fishing Safety Advisory Committee.

"704. Great Lakes Pilotage Advisory Committee.

"705. Lower Mississippi River Waterway Safety Advisory Committee.


"707. 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 pursuant to 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 5;

(C) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(D) any other provision of law relating to employment contract, 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 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.—No 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 Commandant's designee shall, based on the needs of the Coast Guard, determine the number of members who represent a specific point of view.

(D) RULE OF CONSTRUCTION.—Notwithstanding this subsection or any other provision of law or policy, the Commandant (or the Commandant's designee) shall be permitted to serve on the Committee.

(e) RULE OF CONSTRUCTION.—Neither this chapter nor any other law or regulation concerning the political affiliation of a nominee in making an appointment to the Committee.

(f) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

(g) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

(h) 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.

(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.—

(i) 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).

(D) 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.

(E) 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.

(F) 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.).

(G) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

(1) FACAC—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.

"CHAPTER 8—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)—

(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; and

(3) may submit any recommendations described in paragraph (1) to the Secretary in writing;

(4) may submit any recommendations described in paragraph (1) to the Secretary in writing;

(5) may submit any recommendations described in paragraph (1) to the Secretary in writing;
S4482

CONGRESSIONAL RECORD — SENATE
July 27, 2017

“(5) shall to review proposed regulations promulgated pursuant to chapter 45 of this title; and

“(6) shall make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary.

“(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 the commercial fishing industry.

“(C) POINTS OF VIEW.—Except as provided in subparagraph (D), a member of the Committee shall represent the point of view of an entity or group, as follows:

“(i) 10 members representing the commercial fishing industry who—

“(I) reflect a regional and representational balance; and

“(II) have experience in the operation of vessels to which chapter 45 of this title applies; or a representative of a fishing vessel; or a representative of a fish processing vessel; or a member of a maritime organization.

“(ii) 1 member representing naval architects and marine engineers.

“(iii) 1 member representing manufacturers of equipment for vessels to which chapter 45 of this title applies.

“(iv) 1 member representing education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel 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.

“(D) 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 maritime safety;

“(II) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; or a representative of a fishing vessel;

“(III) a person familiar with issues affecting fishing communities and families of fishermen.

“(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 a point of view of an entity or group under 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 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; SERVICE.—

“(A) NOMINATIONS.—As necessary, the Secretary shall, 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.

“(B) TERMINATION.—

“(A) TERM.—

“(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the year 5 years after the effective date of the appointment.

“(ii) EXTENSIONS.—Notwithstanding clause (i), paragraphs (3)(A)(ii), (4)(A)(ii), or (5)(A)(ii), a member of the Committee 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 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 Committee shall elect a Chairperson and Vice Chairperson from among its members.

“(B) RECOMMENDATIONS.—The Commandant (or the Commandant’s designee) shall designate the Chairperson. The Commandant’s designee shall designate 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.

“(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.).

“(8) CONSULTATION.—The Commandant (or the Commandant’s designee) shall, whenever practicable—

“(A) consult with the Committee before taking any significant action relating to the safe operation of vessels to which chapter 45 of this title applies;

“(B) consider the information, advice, and recommendations of the Committee in consulting with other agencies and the public or in formulating policy regarding the safe operation of vessels to which chapter 45 of this title applies;

“(C) make all recommendations made by the Committee in paragraph (b) public and available for at least 30 days of receiving the recommendation from the Committee.

“(D) respond in writing to any public comments regarding recommendations made by the Secretary in paragraph (b) and provide reasoning for acceptance or rejection to all recommendations within 60 days of receiving the recommendation; and

“(E) make all responses in paragraph (5) available to the Congress and the public at the time the response is transmitted.

“(e) 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.

“§704. Great Lakes Pilotage Advisory Committee

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall establish a Great Lakes Pilotage Advisory Committee (referred to in this section as the ‘Committee’).

“(2) DUTIES.—The Committee—

“(A) may review proposed Great Lakes pilotage regulations 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; and

“(D) 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.

“(B) ORGANIZATION.—

“(C) MEMBERSHIP.—The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations.

“(B) TERMINATION.—The term of each member is for a period of not more than 5 years, specified by the Secretary.

“(C) NOTICE.—Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

“(2) REPRESENTATION.—The membership of the Committee shall include—

“(A) the President of one of the 3 Great Lakes pilotage districts, or the President’s representative;

“(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

“(C) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

“(D) 1 member representing the interests of fisherman.

“(E) observer. The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary’s designated representative shall be 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.).

“(4) RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary shall seek, consideration, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

“(5) APPROVAL.—Any recommendations to the Secretary under subsection (a)(2)(B) must have been approved by at least all but 1 of the members then serving on the Committee.

“(6)(1) 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 which shall be 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, subsistence, and transportation expenses under section 5703 of title 5.

(2) EMPLOYEE STATUS.—Notwithstanding section 701, a member of the Committee shall not be required to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

(1) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

(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, development, and operation of New Orleans Vessel Traffic Services, and other related topics dealing with and actions relating to navigational safety and 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 not more than 25 members.

(B) EXPERIENCE.—Each member of the Committee shall have expertise, knowledge, and experience regarding the transportation, equipment, and management of vessels that utilize 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 individual or group.

(D) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—4 members of the Committee shall represent the general public.

(ii) 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.

(iii) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 5, any member of the Committee is entitled to receive—

(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 appoint or when otherwise engaged in the business of the Committee.

(iii) R EAPPOINTMENTS.—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) TERMINATION.—The Committee shall terminate on September 30, 2020.

§705. 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, development, and operation of New Orleans Vessel Traffic Services, and other related topics dealing with and actions relating to navigational safety and 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 management of vessels that utilize 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 individual or group.

(D) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—4 members of the Committee shall represent the general public.

(ii) 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.

(iii) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 5, any member of the Committee is entitled to receive—

(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 appoint or when otherwise engaged in the business of the Committee.

(iii) R EAPPOINTMENTS.—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) TERMINATION.—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).

(d) MEMBERSHIP.—

(i) GENERAL.—The Committee shall consist of 18 members.

(ii) 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—

(1) shall be a citizen of the United States; and

(2) shall hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title; and

(ii) among whom shall be—

(1) 3 deck officers representing the interests of merchant marine deck officers, of whom—

(aa) 2 shall be licensed for oceans and any gross tons; or

(bb) 1 shall be licensed for inland river route with a limited or unlimited tonnage; and

(cc) 2 shall have a master's license or a master of towing vessels license; and

(dd) 1 shall have significant tanker experience; and

(ee) to the extent practicable—

(2) shall represent the interests of labor; and

(3) shall represent the interests of management;
“(I) 3 engineering officers representing the interests of merchant marine engineering officers, of whom—

(a) 2 shall be licensed as chief engineer any hoping to become an engineer or a designated duty engineer; and

(bb) 1 shall be licensed as either a limited chief engineer or a designated duty officer; and

(cc) to the extent practicable—

(AA) 1 shall represent the interests of labor; and

(BB) 1 shall represent the interests of management; and

(II) 2 unlicensed seamen, of whom—

(aa) 1 shall represent the interests of able-bonded seamen; and

(bb) 1 shall represent the interests of qualified members of the engine department; and

(UV) 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 be appointed to fill a vacancy on the Committee, the appointment to the Committee from each State maritime academy, and not a special Government employee (as defined in section 202(a) of title 18), who shall be a regular Federal employee. Each member of the Committee shall represent the general public.

“(E) 1 member of the Committee shall serve at the pleasure of the Secretary.

“(II) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

“(III) TERMINATION.—The Committee shall no longer serve after the effective date of the appointment.

“(IV) SERVICE.—Each member of the Committee, the Secretary shall serve at the pleasure of the Secretary.

“(V) 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 the 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.

“(IV) 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 Chairperson in the absence of 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) PACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

“(2) TERMINATION.—The Committee shall terminate on December 31, 2027.

“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;

(3) medical examiner education; and

(4) medical research.

“(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) at the request of the Chairperson and another member of the Committee from each State maritime academy, and not a special Government employee (as defined in section 202(a) of title 18).

“(ii) SERVICE.—Each member of the Committee, the Secretary shall serve at the pleasure of the Secretary.

“(iii) FOOTNOTES.—Of the members of the Committee—

(a) 10 members shall be healthcare professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

(b) 4 members shall be professional mariners with knowledge and experience in mariners’ occupational requirements.

“(d) 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 Special Government employee (as defined in section 202(a) of title 18).

“(e) 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 candidate 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.

“(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) 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 the 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.

“(D) 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 Chairperson in the absence of or incapacity of, or in the event of a vacancy in the office of, the Chairperson.
‘‘(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;—

‘‘(1) Establishment.—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.

*8708. National Boating Safety Advisory Council

(a) Establishment.—There is established a National Boating Safety Advisory Council (referred to in this section as the ‘Council’).

(b) Organization.—

(1) Meeting.—The Council shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant’s designee).

(2) Membership.—

(A) 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, wholesale 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.

(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 Council may reappoint a member to the Council more than once.

(B) Nominees; Appointments; Service;—

(A) Nominees.—As necessary, the Secretary shall publish in the Federal Register a notice soliciting nominations for membership on the Committee.

(B) Appointments.—

(i) 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.

(3) 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 Commandant.

(5) Term; Vacancy.—

(A) Term.—

(i) General.—The term of each member of the Council shall expire on December 31 of the third full 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 Council 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 Council, the Secretary shall appoint an individual for a full term.

(B) Chairperson; Vice Chairperson.—

(A) 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, 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 designate one member of the Council as the Chairperson and another member of the Council as 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.

(7) 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.).

(C) Consulation.—In addition to the consultation required by section 632 of this title, the Commandant (or the Commandant’s designee) shall, whenever practicable, consult with the Council on boating safety matters related to chapter 311 of this title.

(4) Federal Advisory Committee Act; Termination;—

(A) General.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council.

(B) Termination.—The Council shall terminate on September 30, 2027.

*8709. 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.—

(1) Meeting.—The Committee shall meet at least once each calendar year, at the call of the Commandant (or the Commandant’s designee).

(2) Membership.—

(A) 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 actual or technical 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 maritime industry.

(ii) At least 1 member representing the maritime labor organizations.

(iii) At least 1 member representing State or local governments.

(iv) At least 1 member representing the facilities operators or owners.

(v) At least 1 member representing the terminal operators or owners.

(vi) At least 1 member representing the vessel owners or operators.

(vii) At least 1 member representing the military.

(viii) At least 1 member representing the commercial entities.

(ix) Not 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.

(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).

(d) 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) 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.

(3) 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 Commandant.

(D) Background Examinations.—The Secretary may require an individual to have an appropriate security background 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.

(B) Chairperson; Vice Chairperson.—

(A) 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 Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

(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.).

(8) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

(a) Tenant.—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.

§710. National Offshore Safety Advisory Committee

(a) ESTABLISHMENT.—There is established a National Offshore 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 be authorized to advise, consult with, report to, and make recommendations to the Secretary of State relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources inshore as well as off岸 matters within Coast Guard jurisdiction.

(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 15 members.

(B) POINTS OF VIEW.—Except as provided in subparagraph (B)(i), each member of the Committee shall represent the point of view of an entity or group, as follows:

(i) 2 members representing companies, organizations, enterprises, or similar entities engaged in the production of petroleum.

(ii) 2 members representing companies, organizations, enterprises, or similar entities engaged in the support, by offshore supply vessels or other vessels, of offshore operations.

(iii) 2 members representing companies, organizations, enterprises, or similar entities engaged in the construction of offshore facilities.

(iv) 1 member representing a company, organization, enterprise or similar entity engaged in providing diving services to the offshore industry.

(v) 1 member representing a company, organization, enterprise or similar entity providing safety and training services to the offshore industry.

(vi) 1 member representing a company, organization, enterprise or similar entity providing public, enterprise, or remotely operated vehicle support to the offshore industry.

(vii) 2 members representing 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 design, construction, operation or remote operation.

(viii) 1 member representing a company, organization, enterprise or similar entity providing environmental protection, compliance or response services to the offshore industry.

(ix) 1 member representing a company, organization, enterprise or similar entity engaged in offshore oil exploration or production on the Outer Continental Shelf of Alaska.

(C) ADDITIONAL MEMBER.—One member of the Committee shall represent the general public.

(D) STATUS OF MEMBERS.—For the purposes 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 the point of view of an entity or group set out in paragraph (2)(a), 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).

(E) 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.

(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) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of this section, 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.

(B) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commandant (or the Commandant’s designee) shall designate one 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 Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

(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.).

(8) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

(a) Establishment.—There is established a Navigation Safety Advisory Council (referred to in this section as the ‘Council’).

(b) FUNCTION.—The Council, 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 maritime collisions, rammings and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

(c) ORGANIZATION.—

(1) MEETING.—The Council 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 Council shall consist of not more than 21 members.

(B) EXPERIENCE.—Each member of the Council shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, or port safety.

(C) POINTS OF VIEW.—Each member of the Council shall represent the point of view of one of the following entities or groups:

(i) Commercial vessel owners or operators.

(ii) Professional mariners.

(iii) Recreational boaters.

(iv) State agencies responsible for vessel or port safety.


(7) Recreational boating industry.

(8) Vessels of the members.

(9) 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, as necessary, appoint members to the Council.

(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 Council.

(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Council more than once.

(C) SERVICE.—Each member of the Council shall serve at the pleasure of the Secretary.

(D) TERM; VACANCY.—

(A) TERM.—

(i) IN GENERAL.—The term of each member of the Council shall expire on December 31 of the third full year after the effective date of the appointment.

(711. Navigation Safety Advisory Council

(a) Establishment.—There is established a Navigation Safety Advisory Council (referred to in this section as the ‘Council’).

(b) Function.—The Council, 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 maritime collisions, rammings and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

(c) Organization.—

(1) Meeting.—The Council 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 Council shall consist of not more than 21 members.

(B) Experience.—Each member of the Council shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, or port safety.

(C) Points of View.—Each member of the Council shall represent the point of view of one of the following entities or groups:

(i) Commercial vessel owners or operators.

(ii) Professional mariners.

(iii) Recreational boaters.

(iv) State agencies responsible for vessel or port safety.


(7) Recreational boating industry.

(8) Vessels of the members.

(9) 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, as necessary, appoint members to the Council.

(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 Council.

(iii) Reappointments.—The Secretary may reappoint a member to the Council more than once.

(C) Service.—Each member of the Council shall serve at the pleasure of the Secretary.

(D) Term; Vacancy.—

(A) Term.—

(i) In General.—The term of each member of the Council shall expire on December 31 of the third full year after the effective date of the appointment.
united states code

46 U.S.C. 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), shall provide advice, counsel, and recommendations to the Secretary on matters relating to towing safety.

(c) Organization.—

(1) Meeting.—The Committee shall meet at least once each calendar year, at the call of the Commandant (or the Commandant's designee).

(2) Chairperson; Vice Chairperson.—(A) The Commandant (or the Commandant's designee) shall designate one 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) 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.).

(C) 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.

(d) Recommendations.—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.).

(e) 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), shall provide advice, counsel, and recommendations to the Secretary on matters relating to towing safety.

(c) Organization.—

(1) Meeting.—The Committee shall meet at least once each calendar year, at the call of the Commandant (or the Commandant's designee).

(2) Chairperson; Vice Chairperson.—(A) The Commandant (or the Commandant's designee) shall designate one 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) 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.).

(C) 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.

(d) Recommendations.—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.).

(e) 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.
(9) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2973) is repealed.

(10) TOWING SAFETY ADVISORY COMMITTEE.—The Act entitled 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 Tow Safety Advisory Committee” and inserting “a Tow Safety Advisory Committee” and “an Area Maritime Safety Advisory Committee’’; and

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

“(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;

“(C) may make available to the Congress recommendations that the Committee makes to the Secretary; and

“(D) 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) in paragraph (1), by striking “of the committees” and inserting “Area Maritime Security Advisory Committee’’;

(ii) in paragraph (3), by striking “the committee” and inserting “Area Maritime Security Advisory Committee’’; and

(D) in subsection (c)(1), by striking “committee” and inserting “Area Maritime Security Advisory Committee’’; and

(ii) by striking subsection (d); (F) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(iii) in subsection (d), as redesignated—

(i) by striking “the committee” and inserting “an Area Maritime Safety 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 Safety Advisory Committee’’; and

(ii) by amending subsection (f), as redesignated, to read as follows:

“(f) FEDERAL ADVISORY COMMITTEE ACT: TERMINATION.—

“(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, 2020.

“(d) TABLE OF CONTENTS.—The table of contents of chapter 701 of title 46, United States Code, is amended to read as follows:


(f) TRANSITION OF COAST GUARD ADVISORY COMMITTEES.—

(1) IN GENERAL.—Notwithstanding the amendments made to sections (b) and (c) of this section, an advisory committee described in paragraph (2) of this subsection shall continue to be subject to the requirements under law to which such advisory committee was subject as in effect on the day before the date of enactment of this Act, including its charter, and the members appointed to such advisory committee shall continue to serve pursuant thereto, until the Secretary of the department in which the Coast Guard is operating makes the applicable appointments under sections 702 through 712 of title 46, United States Code.

(2) COAST GUARD ADVISORY COMMITTEES.—An advisory committee described in this paragraph is as follows:

(A) Chemical Transportation Advisory Committee established under section 7105 of title 46, United States Code.

(B) Commercial Fishing Safety Advisory Committee established under section 4508 of title 46, United States Code.

(C) Great Lakes Pilotage Advisory Committee established under section 5007 of title 46, United States Code.


(E) Merchant Marine Personnel Advisory Committee established under section 8108 of title 46, United States Code.

(F) Merchant Mariner Medical Advisory Committee established under section 7115 of title 46, United States Code.

(G) National Boating Safety Advisory Council established under section 13110 of title 46, United States Code.

(H) National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.

(I) National Offshore Safety Advisory Committee.


(K) Towing Safety Advisory Committee established under the Act entitled the “Act to establish a Towing Safety Advisory Committee’’ and inserting “Area Maritime Security Advisory Committee’’; and

(L) by striking the subsection designation in section 7125 of title 46, United States Code.

(3) each illness or injury, the nature of the illness or injury, and any medical treatment, and the length of time 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 the department in which the Coast Guard is operating”;

(2) in section 7126—

(A) by striking 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 the department in which the Coast Guard is operating”;

(3) in section 7127—

(A) by striking paragraph (1), by striking “licenses or certificates of registry” and inserting “license or certificate of registry”;

(B) by amending paragraph (2), by striking “merch—

(B) by inserting “a merc—

(C) by inserting “a merchant mariner’s document” and inserting “license or certificate of registry”.

SEC. 3643. TECHNICAL AMENDMENTS; LICENSES, CERTIFICATIONS OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Part E of subtitle II of title 46, United States Code, is amended—

(1) in section 7106(b), by striking “(m) conforming to a”—

(2) in section 7107(b), by striking “merch—

(C) by inserting “a merchant mariner’s document” and inserting “license or certificate of registry”.

SEC. 3644. NUMBERING FOR UNDOCUMENTED BARGERS.

Chapter 121 of title 46, United States Code, is amended—

(1) in section 1210—

(2) in section 1230—

(A) by striking subsection (c), by adding at the end the following: “The Secretary shall—

(B) by inserting “threshold personal floatation device”—

(C) by inserting “the threshold personal floatation device”—

SEC. 3645. EQUIPMENT REQUIREMENTS: EXEMPTION FROM THRESHOLD PERSONAL FLOATATION 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—

SEC. 3646. ENSURING MARITIME COVERAGE.

In order to meet Coast Guard mission require—

SEC. 3647. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4505(d) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking “January 1, 2020,” and all that follows through “the Secretary, if” and inserting “the Secretary, if”;

(2) in paragraph (3), beginning on the date that is 3 years after the date that the Secretary prescribes another comprehensive drinking water standard, and that may exceed such a standard, shall be enforced”; and

(3) in paragraph (4), by striking “at least 1 rescue throw bag, as typically used in whitewater rafting, and on board.”
which section 4502(b) of this title applies shall comply with the alternate safety compliance program if;

(2) in paragraph (2), by striking "establishes an alternate safety compliance program, shall comply with such an alternate 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:

(d) 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 4503(e) 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 4603 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 submerged more than 7 feet in length is identified for use in the construction of a specific vessel and is so affirmed by a marine surveyor.

SEC. 3649. ABOLITION OF UNSAFE OPERATIONS; TECHNICAL AMENDMENT.

Section 4505 of title 46, United States Code, is amended by striking "4503(b) and inserting "4503(b)(1) and

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 develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations, to prohibit a person from operating a recreational vessel 25 feet or less in length unless

(A) the person is wearing an engine cut-off switch link while operating on plane or above displacement speed; and

(B) the engine cut-off switch is factory equipped on the primary propulsion machinery.

(2) Exceptions.—The requirement under paragraph (1) shall not apply to the following:

(A) A vessel 25 feet or less in length whose main helm is installed within an enclosed cabin that would protect an operator from being thrown overboard should the operator be displaced from the helm.

(B) A vessel with propulsion machinery developing a thrust of less than 115 pounds or 3 horsepower.

(C) A vessel that is not equipped with an engine cut-off switch.

(b) Installation of engine cut-off switches.—The Secretary of the department in which the Coast Guard is operating shall revise the regulations under part 183 of title 33, Code of Federal Regulations, to require an equipment manufacturer, distributor, or dealer that installs propulsion machinery and associate starting controls on a recreational vessel 25 feet or less in length and capable of developing at least 115 pounds of static thrust to install an engine-cut-off switch in accordance with the American Boat and Yacht Standard A-33, as amended.

(c) Penalty.—A person that violates a regulation under paragraph (a)(1) of this section shall be subject to a civil penalty under section 4311 of title 46, United States Code, 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 12111 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 if;

(A) the switch is not properly connected; or

(B) the switch components are submerged in water or separated from the switch by a predetermined distance.

(2) Engine cut-off switch link.—The term "engine cut-off switch link" means the equipment attached to the recreational vessel operator and which activates the engine cut-off switch.

(3) Effective dates.—A regulation prescribed under this section shall specify an effective date not later 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 publish regulations for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) Requirements.—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 publish regulations under part 43 of title 46, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

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 vessels of 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.

(B) In fiscal year 2020, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 may elect to apply for a 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 0, 1, 2, 3, or 4 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(D) In fiscal year 2022, vessel owners or operators with vessel documentation numbers ending in 5, 6, 7, or 8 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(E) In fiscal year 2023, vessel owners or operators with vessel documentation numbers ending in 9, 0, or 1 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(F) In fiscal year 2024, vessel owners or operators with vessel documentation numbers ending in 2, 3, or 4 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(G) In fiscal year 2025, vessel owners or operators with vessel documentation numbers ending in 5, 6, or 7 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(H) In fiscal year 2026, vessel owners or operators with vessel documentation numbers ending in 8 or 9 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(I) In fiscal year 2027, vessel owners or operators with vessel documentation numbers ending in 0 may elect to apply for a renewal certificate of documentation with an effective period of 1 year.

(2) Application for renewal.—Applicants for renewal may be submitted no earlier than 60 days prior to the expiration date of a certificate of documentation.

(3) Fees.—

(A) For fiscal years 2019 through 2021, the Secretary shall collect the following fees from vessel owners or operators:

(i) $250 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 3 years the fee collected from the vessel owner or operator shall be $104.

(iii) For a certificate of documentation with an effective period of 2 years the fee collected from the vessel owner or operator shall be $52.

(iv) 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)."
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; and

(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.

SEC. 3655. ARCTIC PLANNING CRITERIA.

(a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—The Commandant of the Coast Guard may approve a vessel response plan for the purposes of—

(A) the oil spill removal organization listed in the following:

(B) the oil spill removal organization listed in the following:

(C) the vessel response plan may take credit

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;

(h) A description of the resources needed throughout the Coast Guard to conduct port assessments, exercises, response plan review, and spill response;

SEC. 3657. SAFETY STANDARDS.

Section 4502(h)(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(h)(4) of title 46, United States Code, is amended by striking “2015 through 2017” and inserting “2015 through 2019”.

SEC. 3656. FISHING SAFETY INSPECTIONS.

(b) IN GENERAL.—The Commandant of the Coast Guard shall make it a priority to inspect, make routine visits to the United States Code, is amended—

(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 INSPECTIONS.

(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 30.10-10 of the Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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. 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 vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel 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) disseminate information to the commercial fishing vessel industry; and

(2) include a means to document all communication and outreach conducted with the commercial fishing vessel industry.

(3) 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. 3660. CONSISTENCY IN MARINE INSPECTIONS.

(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 30.10-10 of the Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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. 3661. SAFETY STANDARDS.

Section 4502(h)(4) of title 46, United States Code, is amended by striking “2015 through 2017” and inserting “2015 through 2019”.

SEC. 3662. FISHING SAFETY INSPECTIONS.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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. 3663. CONSISTENCY IN MARINE INSPECTIONS.

(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 30.10-10 of the Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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. 3664. CONSISTENCY IN MARINE INSPECTIONS.

(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 30.10-10 of the Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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. 3665. CONSISTENCY IN MARINE INSPECTIONS.

(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 30.10-10 of the Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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. 3666. CONSISTENCY IN MARINE INSPECTIONS.

(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 30.10-10 of the Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall require that the plan approved under paragraph (1) be individually adapted as necessary by the Coast Guard to meet the specific regulatory requirements and circumstances under which the inspections are conducted, including—

(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).
(1) a description of any continuing education requirement, including a specific list of the courses;
(2) a description of the training, including a specific list of the courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;
(3) 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;
(4) a justification for why a course described in paragraph (3) is no longer required or offered;
(5) 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) enter into agreements with other Federal, State, and local government agencies to leverage existing technology, including camera systems and other sensors, to provide continuous monitoring of key maritime 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 EXPERTISE.

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 surveillance systems on illegal, unreported, and unregulated fishing and enhance maritime domain awareness.

SEC. 3665. STRATEGIC ASSETS IN THE ARCTIC.

(a) DEFINITION OF ARCTIC.—In this section, the term ‘‘Arctic’’ has 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 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 progress the Commandant is making 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 Alaskan Captain of the Port zone to improve waterway safety; prevent cases of collisions, 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 on scene;
(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 the Secretary of Defense and taking into consideration the Department of Defense’s Joint Task Forces (referred to in this section as the ‘‘JTF-West’’, ‘‘JTF-South’’, ‘‘JIATF-West’’, and ‘‘JIATF-South’’), the Department of Homeland Security’s Joint Interagency Task Force South (referred to in this section as the ‘‘JIATF-South’’), the Joint Interagency Task Force West (referred to in this section as the ‘‘JITF-West’’), and the Comptroller General of the United States, shall, at a minimum—
(1) review the JIATF-West Counter-narcotics Operations Center and its performance of its mission to support counter-narcotics operations by United States law enforcement agencies;
(2) compare the JIATF-West, DHS–JTFPs, and JIATF-South organizational and manpower structure; and
(3) assess the JIATF-West’s current organizational and manpower structure as it relates to the public.

(b) CONTENTS.—The report under subsection (a) shall include—
(1) an assessment of—
(A) the extent to which the Coast Guard at-sea operational fleet requirements are currently being met; and
(B) the Coast Guard’s current fleet, its operational lifespan, and how the aging of the fleet will impact at-sea operational needs;
(2) actual cutter requirements for the Fast Response Cutter, the Offshore Patrol Cutter, and the National Security Cutter to meet at-sea operational needs as compared to planned acquisitions under the current programs of record;
(3) a description of—
(A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the Coast Guard’s current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and
(B) how existing and planned cutter programs of record meet the at-sea operational requirements, including the Fast Response Cutter, the Offshore Patrol Cutter, and the National Security Cutter;
(4) an explanation of how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met;
(5) consultation with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—
(A) provide the stakeholders with opportunities for input—
(i) prior to initially drafting the report, including the assessment and strategic plan; and
(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan for submission; and
(B) document the input and its disposition in the report.

(c) CONSULTATION AND TRANSPARENCY.—(1) CONSULTATION.—In conducting the study, the Comptroller General shall consult with the Federal and non-Federal stakeholders under subsection (a) and the Secretary of the department in which the Coast Guard is operating shall—
(A) provide the stakeholders with opportunities for input—
(i) prior to initially drafting the report, including the assessment and strategic plan; and
(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan for submission; and
(B) document the input and its disposition in the report.

(2) 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 operations with distinction and in a cost-effective manner.

(b) STUDY.—The Comptroller General of the United States shall study each of the following task forces and compare the execution of the task force’s counter-narcotics and illegal migrant operation to that of the JIATF-South:
(1) the Joint Interagency Task Force West (referred to in this section as the ‘‘JIATF-West’’);
(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—
(1) review the JIATF-West Counter-narcotics Operations Center and its performance of its mission to support counter-narcotics operations by United States law enforcement agencies;
(2) compare the JIATF-West, DHS–JTFPs, and JIATF-South organizational and manpower structure; and
(3) assess the JIATF-West’s current organizational and manpower structure as it relates to the public.
to JIATF-West's ability to conduct counter-narcotics missions;
(4) review the JIATF-West’s December 2015-March 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 qualifications 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-March 2017 reorganization initiative, including how it assessed progress and solicited feedback on the initiative;
(C) the internal and external funding 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.

(b) Report.—The Comptroller General 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 findings of the study under subsection (a), including any recommendations for improving the counter-narcotics and illegal migrant operations of the JIATF-West or DHS–JTF.

SEC. 3668. SAFETY OF VESSELS OF THE ARMED FORCES.

(a) In General.—Section 91 of title 14, United States Code, is amended—
(1) in the headnote, 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 amending the item relating to chapter 5 of that title to read as follows:

"§ 91A. Protecting against unmanned aircraft.

(a) Authority.—Notwithstanding title 18 (including section 32 commonly known as the Aircraft Sabotage Act), section 1030 (commonly known as the Computer Fraud and Abuse Act), sections 2510-2522 (commonly known as the Wiretap Act), and sections 1131-1137 (commonly known as the Pen/Trap Act) of title 39, the Secretary, or the Secretary’s designee, may take such action as necessary to mitigate, prevent, or respond to the operation of an unmanned aircraft that could interfere with the safety or security navigation of—

(1) any vessel or aircraft of the Coast Guard;

(2) any vessel the Coast Guard is assisting or escorting.

(b) Remedy.—

(1) In General.—The exclusive remedy for any cause of action by the owner or operator of an unmanned aircraft arising from such action as necessary taken under this section shall be--
(A) to cease the operation of the unmanned aircraft at the time such action as necessary is taken.

(2) Indemnification.—The senior member present and all persons acting under that officer's direction shall be indemnified from any penalties or actions for damages arising from such action as necessary taken under this section.

(c) Policy Development.—The Secretary, in coordination with the Secretary of Transportation, shall develop policy for the actions authorized in subsection (a).

(d) Notice.—

(1) In General.—Any notice, regulation, or amendment to an existing regulation promulgated pursuant to this section shall be deemed a military function of the United States, and shall not constitute such notice, regulation, or amendment without regard to chapters 5 and 6 of title 5, and Executive Orders 12869 and 13563.

(2) Rulemaking.—Nothing in this section shall be construed to require the Secretary of Homeland Security to publish information concerning any aspect of any assistance or escort that the Coast Guard may conduct.

(e) Penalties.—Any person who operates an unmanned aircraft which interferes with the security or safety navigation of a vessel or aircraft described in subsection (a) shall be subject to a civil penalty or criminal penalty.

(1) Civil Penalty.—

(A) Any person who the Secretary finds, after notice and an opportunity for a hearing, to have violated a notice, regulation, or amendment issued hereunder shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

(B) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(C) If any person fails to pay an assessment or a civil penalty after it has become due, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States of the penalty.

(2) Criminal Penalty.—

(A) A person who willfully and knowingly violates this section or any regulation issued hereunder commits a class D felony.

(B) Any person who, in the willful and knowing violation of this section or any regulation issued hereunder, engages in conduct that causes bodily injury to any person or damage to any vessel or aircraft described in subsection (a) commits a class C felony.

(f) Definitions.—In this section:

(1) INTERFERE.—The term ’’interfere’’, with respect to security or safe navigation, means—

(A) inflict or otherwise cause physical harm to a person;

(B) inflict or otherwise cause damage to a vessel or aircraft described in subsection (a); or

(C) operate an unmanned aircraft described in subsection (a), including the diversion of a crewmember from a duty related to such vessel or aircraft;

(D) conduct unauthorized surveillance or reconnaissance; or

(E) result in unauthorized access to, or disclosure of, classified, or otherwise lawfully protected information;

(2) SUCH ACTION AS N ECESSARY.—The term ’’such action as necessary’’ means any action to disable, disrupt or exercise control of, seize, or destroy an unmanned aircraft.

(3) UNMANNED AIRCRAFT.—The term ’’unmanned aircraft’’ has the meaning given the term in section 105 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(b) Technical and Conforming Amendments.—Title 14, United States Code, is amended—

(1) in the heading for section 91, by striking ’’naval vessels’’ and inserting ’’vessels of the armed forces’’;

(2) in the analysis for chapter 5—

(A) in the item relating to section 91, by striking ’’naval vessels’’ and inserting ’’vessels of the armed forces’’;

(B) by inserting, after the item relating to section 91, the following:

"’’91A Protecting against unmanned aircraft.

SEC. 3670. JURISDICTION AND VENUE.

Section 70504(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ’’the district court of the United States for—’’ and inserting ’’in any district court of the United States.’’; and

(2) by striking paragraphs (1) and (2).

Subtitle E—Miscellaneous

SEC. 3681. SHIP SHOAL LIGHTHOUSE TRANSFER; REPEAL.


SEC. 3682. ACQUISITION WORKFORCE EXPEDITED REEMPLOYMENT AUTHORITY.

(a) Expedited Hiring Authority.—

(1) In General.—Chapter 15 of title 14, United States Code, is amended by inserting after section 563 the following:

"’’563a. Acquisition workforce expedited rehiring authority.

For purposes of section 3349 of title 5, the Commissioner 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.

(2) Table of Contents.—The table of contents of chapter 15 of title 14, United States Code, is amended by inserting after the item relating to section 563 the following:

"’’563a. Acquisition workforce expedited rehiring authority.

(3) Repeal.—Section 494 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is repealed.

(b) Acquisition Workforce Reemployment Authority.—

(1) In General.—Chapter 15 of title 14, as amended by subsection (a) of this section, is further amended by inserting after section 563 the following:

"’’563b. Acquisition workforce reemployment authority.

(2) 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 subchapter III of chapter 83 or chapter 84 of title 5.
the Coast Guard after the date of enactment of the National Defense Authorization Act for Fiscal Year 2018, may elect to be subject to section 563h or 563b of such title (as the case may be) during such period.

"(A) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable steps to notify employers who may file an election.

"(B) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

"(2) 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 chapter 15 of title 14, 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 "Operation, Maintenance, Repair, and Preservation of Coast Guard Drawbridges", Pub. L. 109-247 (43 U.S.C. 495), is amended by inserting at the end the following—

"(d) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Notwithstanding section 353 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less, is approved—

"(1) the Secretary of the department in which the Coast Guard is operating shall—

"(i) issue a deviation approval letter to the bridge operator;

"(ii) announce the temporary change in—

"(I) the Local Notice to Mariners;

"(II) broadcast notices to mariners through radio stations; or

"(III) such other local media as the Secretary considers appropriate; and

"(B) the bridge operator, 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; or

"(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) where the bridge owner has a reasonable opportunity to address each reason for the denial and resubmit the request.

(1) (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 impeding 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) REQUIREMENTS.—

"(1) 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) each bridge tender or operator for each opening;

"(iii) each time it is opened for navigation;

"(iv) each time it is closed for navigation;

"(v) the number and direction of vessels passing through during each opening;

"(vi) the types of vessels passing through during each opening;

"(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

"(viii) for each vessel name and registration number if easily observable; and

"(ix) all maintenance openings, malfunctions, or other comments; and

"(B) that remains open to navigation but closes to allow for trains to cross, shall maintain for not less than 5 years a record of—

"(i) the bridge identification and date of each opening;

"(ii) the bridge tender or operator;

"(iii) each time it is opened to navigation;

"(iv) each time it is closed to navigation; and

"(v) all maintenance openings, malfunctions, or other comments.

"(2) SUBMISSION OF RECORDS.—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary such logbook records under paragraph (1) as the Secretary considers necessary to carry out this section.

"(3) EXEMPTION.—The requirements under paragraph (1) shall be exempt from sections 3501 through 3521 of title 44, United States Code.

SEC. 3684. INCENTIVE CONTRACT; COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.

(a) IN GENERAL.—Whenever the parties to a project order by which an agreed upon industrial establishment satisfies the performance target set out in an incentive project order or a cost-plus-incentive-fee project order—

"(1) the adjustment to be made pursuant to section 68(a) of title 14, United States Code, shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

"(2) may file a timely election under this sub-
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 all right, 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 Law 94–578 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) **FAIL TO TIMELY RESOLVE 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.**—In this section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) **EXEMPTION.**—Notwithstanding paragraph (a), the Tract shall be exempt from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(g) **PROPOSED PROPERTY EXCHANGE PARCEL.**—In this section:

(1) **COMMANDANT.**—The term "Commandant" means the Secretary of the Department in which the Coast Guard is operating.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(3) **TRACT.**—The term "Tract" means the land (including submerged land) depicted as "PROPOSED PROPERTY EXCHANGE AREA" on the survey titled "PROPOSED PROPERTY EXCHANGE PARCEL," and dated March 22, 2017.

SEC. 3687. **ABANDONED SEAFARERS FUND AMENDMENTS.**

Section 11113 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 (2) and inserting "shall be available to the Secretary without further appropriation, and shall remain available until expended;"; and

(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.

"(a) Assignment of Coast Guard vessel construction and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard vessels be manufactured or repaired in a particular type of shipyard or geographical area or by a similar requirement."

(b) **TABLE OF CONTENTS.**—The table of contents of chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 667 the following:
Subtitle 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) ORDER AND CONTRACTS.—The Secretary of Commerce may make this subsection with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the 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 its support,’ approved August 6, 1947 (33 U.S.C. 883a et seq.)."


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 “$24,700,000 for each of fiscal years 2016 and 2017” and inserting “$28,490,000 for each of fiscal years 2018 and 2019”;

SEC. 3713. RECORD OF MEETINGS AND VOTES.
(a) In General.—Section 303 of title 46, United States Code, is amended to read as follows:
“§ 303. Meetings
“(a) 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.
“(c) Nonpublic Collaborative Discussions.—
“(1) In General.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—
“(A) no formal or informal vote or other official agency action is taken at the meeting;
“(B) each individual present at the meeting is a Commissioner or an employee of the Commission.
“(C) the General Counsel of the Commission is present at the meeting.
“(2) Disclosure of Nonpublic Collaborative Discussions.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—
“(A) a list of the individuals present at the meeting; and
“(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.
“(3) Exception.—If the Commission properly determines matters may be withheld from the public under section 552b(c) of title 5, the Commission by striking ‘‘section 552b(c) of title 5’’ and inserting ‘‘section 552b(c) of title 5, as amended by section 552b(c) of title 5’’ changes such a 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 its support,’’ approved August 6, 1947 (33 U.S.C. 883a et seq.).’’

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 may require a common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as the Commission determines.
“(2) Requirements.—The report, account, record, rate, record, or charge, and memorandum shall—
“(A) be made under oath if the Commission requires; and
“(B) be filed in the form and within the time prescribed by 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 biannual reports that describe the Commission’s progress in addressing 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 clearly identifies, for each unfinished regulatory proceeding—
(1) the popular title;
(2) the current stage of the proceeding;
(3) the type of action, if applicable;
(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; and
(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) Concluded Action.—Section 41105 of title 46, United States Code, is amended—
(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;
(2) by inserting “tug operators or” after “States by those”;
(b) Reporting and Documents.—Section 40304(d) of title 46, United States Code, is amended to striking “section” and inserting “part”;
(b) Saving Clause.—Nothing in this section, or the amendments made by this section, may be construed—
(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 453 of title 46, United States Code;
(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(d) of title 46, United States Code;
(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code; or
(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, towage and tug assistance of such a vessel, or the positioning, removal, 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(d) or (3) of this title” and inserting “paragraph (1) or paragraph (3) of section 41105(a) of this title”; and
(2) Award of Reparations.—Section 41305(c) of title 46, United States Code, is amended by striking “section 41305(d) or (3) of this title” and inserting “paragraph (1) or paragraph (3) of section 41105(a) of this title”.
(d) Saving 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:
“(11) Prohibiting and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that
S4496

CONGRESSIONAL RECORD — SENATE
July 27, 2017

do not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does not have a bond, insurance, or other surety as required by section 89501 of this title.

Subtitle H—Vessel Incidental Discharge Act

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 threatens the diversity of United States species or the ecological stability of navigable waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(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 specified in section 151.203 of title 33, Code of Federal Regulations, or section 151.1511 of such title, or a revised numerical ballast water discharge standard established under subsection 8955, 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 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101 of title 46, United States Code).

(B) EXCLUSION.—The term "commercial vessel" does not include a recreational vessel.

(7) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term "discharge incidental to the normal operation of a commercial vessel" means—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I) graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controlable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater piping biofouling prevention substances, boat marine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of the propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

(ii) a deck run off, deck washdown, and the waterline hull cleaning effluent, aqueous film forming foam, chain cleaning, ship cleaning, non-oily machinery washwater, underwater ship husbandry effluent, and weldeffluent, or fish hold and fish hold cleaning effluent; or

(iii) any effluent from a properly functioning marine engine;

(iv) a discharge of pollutant into navigable waters of the United States in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subsection (b)(ii) or (III) of clause (i) whenever the commercial vessel is waterborne.

(B) EXCLUSION.—The term "discharge incidental to the normal operation of a commercial vessel" does not include—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I) ballast water;

(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(III) oil or a hazardous substance (as such terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)); or

(IV) sewage (as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6))); or

(ii) 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

(iii) 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.

(8) 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. 2198).

(9) GEOGRAPHICALLY 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; or

(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.

(10) MAJOR CONVERSION.—The term "major conversion" has the meaning given such term in section 2101(14a) of title 46, United States Code.

(11) NAVIGABLE WATERS OF THE UNITED STATES.—The term "navigable waters of the United States" has the meaning given such term in section 2101(17a) of title 46, United States Code.

(12) OWNER OR OPERATOR.—The term "owner or operator" means a person owning, operating, or chartering by demise a commercial vessel.

(13) POLLUTANT.—The term "pollutant" has the meaning given such term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(14) RECREATIONAL VESSEL.—The term "recreational vessel" has the meaning given such term in section 2101(25) of title 46, United States Code.

(15) SECRETARY.—The term "Secretary" means the Secretary of the department in which the Coast Guard is operating.

SEC. 3723. EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act, or any other regulation on the date immediately preceding the effective date of this subtitle, and that relates to a matter subject to regulation under this subtitle, shall remain in full force and effect unless or until superseded by a new regulation issued under this subtitle relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—The regulations issued pursuant to the Non-indigenous Aquatic Nuisance Prevention and Control Act (33 U.S.C. 1200) 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 REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (3), and subject to sections 151.2005 and 151.2006 of the Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if—

(A) by applying the best available technology economically achievable, the discharge meets the ballast water discharge standard; and

(B) the owner or operator discharges the ballast water in accordance with other requirements established by the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM AND HUDBRON 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) subpart C of part 151 of title 33, Code of Federal Regulations; and

(iii) section 401.30 of such title; and

(B) conduct a complete ballast water exchange in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange, or any ballast water management system management system used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1).

(3) SAFETY EXEMPTION.—In understanding paragraphs (1) and (2), an owner or operator may discharge any ballast water into navigable waters of the United States from a commercial vessel if—

(A) the ballast water is discharged solely to ensure the safety of life at sea;

(B) the ballast water is discharged incidentally 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) the discharge was not willfully or recklessly caused such damage; or

(C) the ballast water is discharged solely for the purpose of avoiding or minimizing a threat to the safety of life at sea from the discharge of a pollutant that would violate an applicable Federal or State law.

(4) LIMITATION ON REQUIREMENTS.—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) carries all of its ballast water in sealed tanks that are not subject to discharge; or

(B) discharges ballast water solely into a reception facility described in section 3727.

(5) CERTIFICATION.—

(a) COVERED VESSELS.—Except as provided in paragraph (2), subsection (a) shall apply to—

(i) an owner or operator of—

(I) commercial vessels covered under subsection (b); and

(II) vessels covered under subsection (b) that—

(aa) are not engaged in ocean transportation within the Great Lakes, the United States, the Saint Lawrence River, or the Saint Lawrence Seaway System; and

(bb) carry ballast water in sealed tanks that are not subject to discharge; and

(ii) the Secretary may, if the Secretary determines appropriate, require the owner or operator of such a vessel to—

(A) comply with the requirements of this Act; and

(B) provide such additional information and documentation as the Secretary may require.
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) Effluent—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 improves exclusively within a geographically limited area;

(C) that operates pursuant to a geographic restriction established in accordance with section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the commercial vessel;

(D) that complies with the ballast water discharge standard issue under title 43, Code of Federal Regulations, for the ballast water discharge standard issue under the Secretary’s Ballast Water Management systems that render ballast water organisms incapable of reproduction.

SEC. 3725. REVIEW OF BALLAST WATER DISCHARGE STANDARD.

(a) Effectiveness Review.

(1) In General.—The Secretary shall conduct reviews in accordance with this section 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) Criteria for Practicability Review.

(1) In General.—The Secretary shall consider a type approval testing method that renders organisms in ballast water incapable of reproduction.

(2) Testing Protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised can be practically implemented.

(c) Revised Ballast Water Discharge Standard.

The Secretary shall issue a rule to revise the ballast water discharge standard if the Secretary, in consultation with the Administrator, determines on the basis of the practicability review under subsection (b) that:

(1) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is economically achievable and operationally practicable; and

(2) testing protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised can be practically implemented.

The Secretary shall publish a final policy letter published under paragraph (2).

(c) Revised Ballast Water Discharge Standard Effective Date and Compliance Deadline.

(1) In General.—If the Secretary issues a rule to revise the ballast water discharge standard under subsection (c), the Secretary shall include in such rule a deadline on which such rule is published in the Federal Register.

(2) Extensions.—The Secretary shall establish a process for an owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which such rule is published in the Federal Register, to delay the application of such rule for an extension of a compliance deadline under paragraph (1).
(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) crew or vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(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) within 45 days after the date of receipt of the petition, the petition shall be deemed approved.

(5) REQUIREMENT FOR 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 in effect at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel if—

(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; or

(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 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 ocean, coastal, 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 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 INCIDENT 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) (A) 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.—

(i) IN GENERAL.—Notwithstanding the expiration date for, any practice, limitation, or concentration applicable to any discharge incidental to the normal operation of a commercial vessel that is required by the General Permit on the date of enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the effective date of a rule issued by the Secretary under subsection (a).

(ii) 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.

(c) APPLICATION TO CERTAIN VESSELS.—

(1) 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. 1251 et seq.) or prohibition enforced under any other provision of law for, nor shall any best management practice established under this Act be required by the Secretary, in consultation with the Administrator, to revise the best management practice established under this Act.

(2) REQUIREMENT FOR DISCHARGES INCIDENT TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—Notwithstanding paragraph (1), a petition that is based solely on a discharge incidental to the normal operation of a commercial vessel that the Secretary, in consultation with the Administrator, may issue a rule to revise the 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 Circuit.

(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), a petition that is based solely on a discharge incidental to the normal operation of a commercial vessel that the Secretary, in consultation with the Administrator, may issue a rule to revise the best management practice established under this Act.

(3) 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.—

(1) IN GENERAL.—Except as provided in subsection (b) and as necessary to implement an agreement entered into under section 3730, no State or political subdivision thereof shall adopt or enforce any regulation, 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 water quality 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 3728(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 that is—

(A) a discharge of 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.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in
this subtitle may be construed as affecting the application to a commercial vessel of section 311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1312 and 1322).

(2) ESTABLISHED RIGHTS.—Nothing in this subtitle may be construed as affecting the authority of the Federal Government (a) to regulate the discharge of any pollutant from any vessel, (b) to determine the lawfulness of any action affecting the discharge of any pollutant from any vessel, or (c) to determine the lawfulness of any action affecting the discharge of any pollutant from any vessel under the Outer Continental Shelf Lands Act (33 U.S.C. 1801 et seq.) with respect to the regulation of a vessel by the Administration under—

PART I—GENERAL PROVISIONS

SEC. 3811. STRENGTH AND DISTRIBUTION IN GRADE.

(a) GRADINES.—The commissioned grades in the commissioned officer corps of the Administration 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 (j.g).
(9) Ensign.

(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages 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 officers on the lineal list authorized to be serving in each grade.

(2) METHODS OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number 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 officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by this Act to serve on active duty in any fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status or detailed to an agency other than the Administration under—

(1) Carry on training programs and correspondence courses, including establishing 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 proficiency.

(2) Acquire such equipment as may be necessary for training and instructional purposes.

(3) Acquire such equipment as may be necessary for training and instructional purposes.

(4) Physical fitness. —The Secretary shall ensure that officers maintain a high

SEC. 3812. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

(b) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (a) in return for such appointments, training, promotions, and retirements as the Secretary considers appropriate.

(c) REIMBURSEMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the percentage of active duty bears to the total period of active duty the officer agreed to serve.

(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

(d) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 is entered less than 5 years after the termination of a written agreement entered into under subsection (c) shall discharge the individual signing the agreement from a debt arising under such agreement.

(e) CURE OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe the service obligation of an officer who—

(1) 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 officer; or

(2) is—

(a) physically qualified for appointment; or

(b) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.

(f) 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 105–208) is amended by inserting after the item relating to section 215 the following:

“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 further amended by adding at the end the following:

“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 establishing 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 proficiency.

(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high

SEC. 3815. CONGRESSIONAL RECORD—SENATE

S4499

July 27, 2017
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 105–372), as amended by section 3813(b), is further amended by inserting after the item relating to section 216 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 3814(a), is further amended by adding at the end the following:

‘‘(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—The Secretary shall prescribe regulations under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087 et seq.), as amended by section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), and the Higher Education Act of 1998, and for other purposes) under regulations prescribed by the Secretary.’’

(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 105–372), as amended by section 3814(b), is further amended by inserting after the item relating to section 217 the following:

‘‘Sec. 218. Use of recruiting materials for public relations.’’

SEC. 3816. TECHNICAL CORRECTION.

Section 101(2)(C) of title 38, United States Code, is amended by inserting ‘‘in the commissioned officer corps’’ before ‘‘of the Nation’’.

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:

‘‘(f) Rule Making.—The Secretary shall prescribe regulations to carry out this section, including—

‘‘(1) standards for qualified loans and authorized payees; and

‘‘(2) other terms and conditions for the making of loan repayments.’’

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1087a(o)) is amended—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS’’; 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’’.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087d(j)) are each amended—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS’’; and

(B) by inserting ‘‘or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002’’ after ‘‘Code’’, and

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:

‘‘(f) Rule Making.—The Secretary shall prescribe regulations to carry out this section, including—

‘‘(1) standards for qualified loans and authorized payees; and

‘‘(2) other terms and conditions for the making of loan repayments.’’

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1087a(o)) is amended—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS’’; 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’’.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087d(j)) are each amended—

(A) by striking the subsection heading and inserting ‘‘ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS’’; and

(B) by inserting ‘‘or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002’’ after ‘‘Code’’, and

SEC. 3823. TRAINING AND PHYSICAL FITNESS.

(a) 일반.—The Secretary shall prescribe regulations to—

(1) standards for qualified loans and authorized payees;

(2) other terms and conditions for the making of loan repayments; and

(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty full time for an additional period of time.

(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 105–372), as amended by section 3813(b), is further amended by inserting after the item relating to section 216 the following:

‘‘Sec. 217. Training and physical fitness.’’
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 (31 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.—In order to maintain an adequate number of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in paragraph (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) and accepted by an 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) 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.—For purposes of this section, the expenses described in subsection (b)(2) are—

"(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 (a), which may not exceed the amount specified in section 214(a) of title 10, United States Code.

(e) INITIAL CLOTHING ALLOWANCE.—(1) 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.

(2) 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.

(f) 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 bears to the total period of active duty the officer agreed to serve 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 a physical or medical condition that was not the result of personal 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 105-372), 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.".
FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before paragraph (A), by striking ‘‘armed forces’’ and inserting ‘‘uniformed services’’; and

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

‘‘(c) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term ‘Secretary concerned’ in subsection (a) shall include the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration.’’.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ‘‘or the commissioned officer corps of the National Oceanic and Atmospheric Administration’’ after ‘‘in the case of the Navy’’; and

(ii) by striking ‘‘other armed forces’’ and inserting ‘‘uniformed services’’;

(B) in subsection (b)(1), in the matter before paragraph (A), by inserting ‘‘or the Secretary of Commerce, as applicable,’’ after ‘‘the Secretary’’.

SEC. 3828. APPLICABILITY OF CERTAIN PROVISIONS 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 PROVISIONS OF TITLE 37, UNITED STATES CODE.

‘‘(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED 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 boards for new officers in critical skills.

‘‘(2) Section 403, relating to temporary noncareer commissioned officer corps.

‘‘(3) Section 403(f), relating to pre-commissioned officer corps.

‘‘(4) Section 403(l), relating to temporary noncareer commissioned officer corps.

‘‘(5) Section 403(a) and (b), relating to pre-commissioned officer corps.

‘‘(b) PERSONAL MONEY ALLOWANCE.—Section 414 of United States Code, is amended—

(1) by striking ‘‘the armed forces’’ and inserting ‘‘uniformed services’’;

(2) in subsection (b)(1), in the matter before paragraph (A), by inserting ‘‘or the Secretary of Commerce, as applicable,’’ after ‘‘the Secretary’’;

(3) by inserting ‘‘or the Secretary of Commerce, as applicable,’’ after ‘‘the Secretary’’.

(3) CIRCUMSTANCES.—Section 3304(f) of such title is amended—

(i) in paragraph (4), by striking ‘‘and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service’’ and inserting ‘‘members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service’’;

(ii) by striking ‘‘or veterans, or member, or veterans, or member’’ and inserting ‘‘or the Secretary of Commerce, as applicable, or the Secretary of Commerce, as applicable’’;

(iii) by striking ‘‘or veterans or member, or veterans or member’’ and inserting ‘‘the Secretary of Commerce, as applicable, the Secretary of Commerce, as applicable’’;

(iv) in paragraph (5), by striking ‘‘uniformed service’’ and inserting ‘‘uniformed services’’;

(v) by striking ‘‘or the Secretary of Commerce, as applicable, or the Secretary of Commerce, as applicable’’ and inserting ‘‘the Secretary of Commerce, as applicable, the Secretary of Commerce, as applicable’’.

(i) LIMITATION ON GRADE.—An original appointment to the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) shall be completed not later than 5 years.

(ii) CANDIDACY.—A candidate described in subsection (b) directly to a position in the agency for which the candidate meets the qualifications specific to that position.

(i) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The term ‘Secretary concerned’ in subsection (a) shall be construed to mean the Inspector General of the Department of Commerce.''

SEC. 3829. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 792 of title 37, United States Code, is amended by striking ‘‘Service or any ‘sea duty’ and inserting ‘‘Service, the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.’’

SEC. 3830. APPLICATION OF CERTAIN PROVISIONS 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 Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service’’ after ‘‘separated from the armed forces’’;

(2) in paragraph (2), by striking ‘‘or veterans’’ and inserting ‘‘or the Secretary of Commerce, as applicable’’;

(3) in paragraph (4), by inserting ‘‘or the Secretary of Commerce, as applicable’’ after ‘‘members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service’’;

SEC. 3831. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ‘‘the commissioned officer corps of the National Oceanic and Atmospheric Administration, for purposes of certain hiring decisions’’ after ‘‘Public Service’’.

SEC. 3832. REMOVAL OF PERSONNEL FROM UNIFORMED SERVICES.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by striking ‘‘armed forces’’ and inserting ‘‘uniformed services’’.

(b) FORMS.—Section 3102(b)(1) of such title is amended by striking ‘‘armed forces’’ and inserting ‘‘uniformed services’’.

(c) TERMINATION OF SERVICE.—Section 3102(b)(2) of such title is amended by striking ‘‘armed forces’’ and inserting ‘‘uniformed services’’.

(d) SITUATIONS.—Section 3102(b)(3) of such title is amended by striking ‘‘armed forces’’ and inserting ‘‘uniformed services’’.

(e) SERVICE OF NOTICED.—Section 3102(b)(4) of such title is amended by striking ‘‘armed forces’’ and inserting ‘‘uniformed services’’.

(f) EFFECTIVE DATE.—This section shall apply with respect to determinations made in fiscal year 2017 and in each fiscal year thereafter.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 3841. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3321) of this title is amended as follows:

(1) of such title is amended by inserting after the following:

‘‘(ii) the commissioned officer corps of the Administration for purposes of certain hiring decisions.’’

SEC. 3842. APPOINTMENT OF OFFICER CANDIDATES.

(a) IN GENERAL.—In any case in which the Secretary receives an application for a position with the Administration for which the Secretary determines that the application meets the requirements for such position to applications submitted by individuals serving in a career or career-conditioned 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 of the Administration for at least 3 years to be an officer in a career or career-conditioned position in the competitive service within the Administration for purposes of such limitation.

(b) LIMITATION ON GRADE.—In any case in which the Secretary receives an application for a position with the Administration for which the Secretary determines that the application meets the requirements for such position to applications submitted by individuals serving in a career or career-conditioned 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 of the Administration for at least 3 years to be an officer in a career or career-conditioned position in the competitive service within the Administration for purposes of such limitation.

(c) EFFECTIVE DATE.—This section shall be implemented not later than 3 years after the date of enactment of this Act.

PART IV—CAREER APPOINTMENTS

SEC. 3843. OPTIONS IN COMMISSIONED OFFICER CORPS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after paragraph (2) subsection (3)—

‘‘(3) Section 403(f)(3), relating to pre-commissioned officer corps.

(b) FORMING AMENDMENT.—Section 3102(b)(3) of such title is amended by inserting ‘‘the National Oceanic and Atmospheric Administration, or any’’ after ‘‘the Commissioned Officer Corps Act of 2002, as amended’’.

(c) REGULATIONS.—Such section is further amended—

(i) by inserting ‘‘Section 3304(f) of title 5, United States Code, as added by section 3823, the following new paragraph—

‘‘(i) the qualification, experience, and requirement under section 3102 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 3813;’’

(ii) by inserting ‘‘service, the commissioned officer corps of the Administration’’ after ‘‘Service or any’’;

(iii) by inserting ‘‘or a limited period of service, the commissioned officer corps of the Administration’’ after ‘‘at least 3 years’’.

(d) EFFECTIVE DATE.—This section shall apply with respect to applications submitted on or after the date of enactment of this Act.
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.

“SEC. 3844. DELEGATION OF AUTHORITY.

“Brian.”

“(A) GRADUATES OF THE BASIC OFFICER TRAINING PROGRAM.—An original appointment may be made from among the following:

“(B) GRADUATES OF THE MILITARY SERVICE ACADEMIES OF THE STATES.—An appointment may be made from any of the military service academies of the States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) GRADUATES OF THE MILITARY ACADEMIES OF THE STATES.—An appointment may be made from 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.

“(v) State University of New York Maritime College, Port Scheuler, New York.

“(vi) Texas A&M Maritime Academy, Gal-veston, Texas.

“(B) MILITARY SERVICE ACADEMIES OF THE STATES.—The term ‘military service academies of the States’ means the following:

“(i) The United States Military Academy, West Point, New York.

“(ii) The United States Naval Academy, Annapolis, Maryland.


“(B) PERSONNEL BOARDS.—An officer candidate, term of service as an officer candidate, appointment, promotion, involuntary separation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under section (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers necessary.

“(B) 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.

“SEC. 3845. TEMPORARY APPOINTMENTS.

“(b) TERMI

“SEC. 3842. PERSONNEL BOARDS.

“(c) DISMISSAL.—The Secretary may dismiss an officer candidate, term of service as an officer candidate, appointment, promotion, involuntary separation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under section (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers necessary.

“DELEGATION OF AUTHORITY.

“Sec. 229. Temporary appointments.

“SEC. 3846. OFFICER CANDIDATES.

“(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

“(b) APPOINTMENT.—An 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 an officer candidate, term of service as an officer candidate, appointment, promotion, involuntary separation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under section (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers necessary.
in accordance with section 216(a)(2) regarding the officer candidate’s term of service in the commissioned officer corps of the Administration.

(2) PROCEEDING.—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 be an 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).

(g) OFFICER CANDIDATE DEFINED.—Section 221(b)(3) of the Act is amended by inserting after the item relating to section 233 the following:

``Sec. 234. Officer candidates.''.

(h) OFFICER CANDIDATE DEFINED.—Section 242(d)(2) of the Act is amended by—

(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).''

(i) OFFICER CANDIDATE DEFINED.—Section 232(b) of the Act is amended by—

(1) in the matter before paragraph (1), by striking there is and inserting the following:

``(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and implement a system to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107-372), as amended by section 384(b), is further amended by inserting after the item relating to section 234 the following:

``235. Procurement of personnel.''.

(PART IV—SEPARATION AND RETIREMENT OF OFFICERS)

SEC. 3851. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) 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 to the deferral, the officer shall be retired or separated as scheduled.

``(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''

SEC. 3852. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

``(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and implement a system to—

``(1) determine the all-inclusive cost of hydrographic surveys;

``(2) contract hydrographic surveys, not more than $25,000,000 for each fiscal year for hydrographic surveys; and

``(3) establish a strategy for how the Secretary shall contract hydrographic surveys, including an analysis of the costs of performing such surveys.''

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;

(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 Administra—tion—; and

(D) in paragraph (4), by striking all that follows through the end of the paragraph and inserting and all that follows through the end of the paragraph and inserting, $29,932,000 for each of fiscal years 2017 through 2021.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

``(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized for contract hydrographic surveys, 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 expenditures of the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administrative and contract costs for hydrographic surveys; and

(2) evaluate additional measures for comparing cost per unit effort beyond square nautical miles; and

(b) 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 111-11; 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.

(b) 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.

(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.

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(g) 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.

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(k) 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.

(l) 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.

(m) 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.

(n) 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.

(o) 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.

(p) 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.

(q) 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.

(r) 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.

(s) 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.

(t) 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.

(u) ACCEPTANCE OF FUNDS AUTHOR
(2) that is under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere.

(d) STRATEGIC PLAN REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed for a nuclear oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

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. 710. REGULAR UPDATE OF PRESCRIPTION DRUG IN-PERSON SERVICES STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074a(d) 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 subsection (a)(2)(E)(i), the Secretary shall ensure that any contract entered into with a TRICARE pharmacy program contractor includes requirements that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

SA 497. 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, add the following:

SEC. 710. REGULAR UPDATE OF PRESCRIPTION DRUG IN-PERSON SERVICES STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074a(d) 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 subsection (a)(2)(E)(i), the Secretary shall ensure that any contract entered into with a TRICARE pharmacy program contractor includes requirements that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

SEC. 712. PROCEDURE FOR MAKING RECOMMENDATIONS FOR INFRASTRUCTURE CLOSURES AND REALIGNMENTS.

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification 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) The force-structure plan for the Armed Forces based on the most recent National Military Strategy, an assessment of the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, along with the funding that will be available for national defense purposes during such period.

(B) 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.

(2) Using the most recent National Military Strategy and the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity within the United States and the target of the Secretary for the reduction of such excess capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(D) In determining the level of necessary excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States 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 deployed and standing 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

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(2) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit to Congress not later than September 15, 2018. For purposes of determining the need for the closure or realignment of military installations under this subsection, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

SEC. 713. 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 the following:

(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.

(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).

SEC. 714. COMPTROLLER GENERAL EVALUATION.—

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in subsection (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) 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 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—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 paragraph (3).

(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 need for the closure or realignment of additional military installations.

(C) The ability to accommodate contingency, mobilization, surge, and future total

Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(2) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit to Congress not later than September 15, 2018. For purposes of determining the need for the closure or realignment of military installations under this subsection, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

(3) The Secretary shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—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 paragraph (3).

(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 need for the closure or realignment of additional military installations.

(C) The ability to accommodate contingency, mobilization, surge, and future total

Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(2) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit to Congress not later than September 15, 2018. For purposes of determining the need for the closure or realignment of military installations under this subsection, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

(3) The Secretary shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.
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 commands.

(3)(A) The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations under this subtitle shall be as follows:

(i) The extent and timing of potential costs and savings associated with 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 to 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 (a).

(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 level of service that exists prior to the closure or realignment.

(vi) The environmental impact, including the impact of costs related to potential environmental remediation, other contamination, mitigation, waste management, and environmental compliance activities.

(B) When determining the costs associated with a closure or realignment, the Secretary shall consider the following:

(i) The purpose and function of the installation.

(ii) The use of the facility as a complete and usable installation.

(iii) The extent with which a closure or realignment is consistent with the need for manpower, base operating costs, utility costs, base closure guarantees, service-ownership, and other current condition of facilities and infrastructure and an environmental baseline of known contamination and remediation activities at each such installation that will be used by the Secretary to develop closure and realignment recommendations; and

(iv) Standard rules to be used by the Secretary to calculate annual recurring savings for manpower, base operating costs, utility costs, base closure guarantees, service-ownership, and other current condition of facilities and infrastructure and an environmental baseline of known contamination and remediation activities that the Secretary will use in the determination of the savings derived from closure and realignment of military installations.

(B) The Secretary shall provide a public comment period of 60 days to allow for a review of the list of recommendations under subparagraph (A) and an opportunity for the Secretary to correct the assessments to ensure accurate and reliable information is used for final closure and realignment recommendations.

(C) If the Secretary does not publish the data or standard rules required under subparagraph (A), the President shall not commence a round for the selection of military installations for closure and realignment under this subtitle.

(2)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than October 15, 2019, publish in the Federal Register and transmittal of the list of recommendations under subparagraph (A), the Secretary shall submit to the Congress a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(B) The Secretary shall provide a public comment period of 60 days to allow for a review of the list of recommendations under subparagraph (A) and an opportunity for the Secretary to correct the assessments to ensure accurate and reliable information is used for final closure and realignment recommendations.

(C) If the Secretary does not publish the data or standard rules required under subparagraph (A), the President shall not commence a round for the selection of military installations for closure and realignment under this subtitle.

(E) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value of each recommendation under subsection (d) to each recommendation under subsection (c).
SEC. 2713. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS—

(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(i) 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)(ii);

(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(i) 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(i) containing the recommendations for such closures or realignments.

(b) IMPLEMENTATION.—(1) In closing or realigning any military installation under this subsection, 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 to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B) before any action may be taken with respect to closing or realigning a military installation recommended for closure or realignment be carried out as soon as possible with funds available for such purpose.

(c) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subsection—

(A) the authority of the Administrator to utilize excess property under subparagraph (A) of section 2712(i) of title 10, United States Code,

(B) the authority of the Administrator to dispose of surplus property under section 2713 of title 10, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 4751 through 4753 of title 49, United States Code;

and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall utilize excess and surplus property, facilities, and personal property for public airports under sections 4751 through 4753 of title 49, United States Code;

(B) before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subsection, the Secretary shall—

(i) consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the use in making assessments and recommendations for such closures or realignments, including recommendations regarding military installations outside the United States;

(ii) provide—

(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) utilize excess property under subchapter II of chapter 37, title 10, United States Code; and

(iv) utilize excess and surplus property, facilities, and personal property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(c) MANAGEMENT AND DISPOSAL OF PROPERTY—

(1) The Administrator of General Services shall—

(A) in making assessments and recommendations for such closures or realignments, including recommendations regarding military installations outside the United States;

(B) before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subsection, the Secretary shall—

(i) consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the use in making assessments and recommendations for such closures or realignments, including recommendations regarding military installations outside the United States;

(ii) provide—

(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) utilize excess property under subchapter II of chapter 37, title 10, United States Code; and

(iv) utilize excess and surplus property, facilities, and personal property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall utilize excess and surplus property, facilities, and personal property for public airports under sections 4751 through 4753 of title 49, United States Code;

(B) before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subsection, the Secretary shall—

(i) consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the use in making assessments and recommendations for such closures or realignments, including recommendations regarding military installations outside the United States;

(ii) provide—

(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) utilize excess property under subchapter II of chapter 37, title 10, United States Code; and

(iv) utilize excess and surplus property, facilities, and personal property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(3) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subsection, with or without reimbursement, to a military department or other agency (including an appropriate fund instrumentality) within the Department of Defense or the Coast Guard.

(4) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subsection, the Secretary shall—

(i) consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the use in making assessments and recommendations for such closures or realalignments, including recommendations regarding military installations outside the United States;

(ii) provide—

(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) utilize excess property under subchapter II of chapter 37, title 10, United States Code; and

(iv) utilize excess and surplus property, facilities, and personal property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(c) MANAGEMENT AND DISPOSAL OF PROPERTY—

(1) The Administrator of General Services shall—

(A) in making assessments and recommendations for such closures or realignments, including recommendations regarding military installations outside the United States;

(B) before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subsection, the Secretary shall—

(i) consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the use in making assessments and recommendations for such closures or realignments, including recommendations regarding military installations outside the United States;

(ii) provide—

(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) utilize excess property under subchapter II of chapter 37, title 10, United States Code; and

(iv) utilize excess and surplus property, facilities, and personal property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).
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 or realignment, 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 personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in paragraph (a)(2)(B) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is 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 (E) and (B) of paragraph (a), the Secretary may not commit to the Secretary that it will not submit such a plan; or

(ii) 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) 90 days before the date of approval of the closure or realignment of the installation; or

(II) two years after the date of approval of the closure or realignment of the installation.

(B) Except as provided in paragraph (4), the Secretary shall not transfer any personal property located at an installation to be closed or 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. 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 the entity desires to be retained at the installation for reuse or redevelopment of the installation. The Secretary may not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property is—

(i) needed for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely not to have a civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the revitalization 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) (I) meets known requirements of an authorized Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the Federal agency.

(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 redevelopment authority 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 consultation with the redevelopment authority, determines the amount of the property and anticipates will support the implementation of a redevelopment plan with respect to the installation.

(I) The transfer from the installation of property within a reasonable time after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the initial transfer of property under subparagraph (A) or, related to, the installation; and

(iii) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(iv) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(v) 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.

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(I) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building demolition.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvement activities.

(xii) Planning for or the marketing of the development and reuse of the installation.

(xiii) Adaptation for and mitigation of natural disasters.

(D) The Secretary may rescind a redevelopment authority portion of the property or a sale or lease of property under subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at a sale or lease described in subparagraph (B) to the Secretary or to the head of another Federal agency.

(ii) A lease under clause (i) shall be for a term of not less than 5 years, but may provide for options for renewal or extension of the term by the agency concerned.

(E)(i) A lease under clause (i) may not require the owner to sell or lease to 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.

(E)(i) The transfer from the installation 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 consultation with the redevelopment authority, determines the amount of the property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(F) The transfer of personal property located at a military installation under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 70 of title 42.

(G) The transfer of personal property located at a military installation under subparagraph (A) shall not be subject to any transfer or use by any Federal agency other than to all landowners in its jurisdiction without direct charge; or

(H) The property transferred under this paragraph shall be provided to a State or local government agency for purposes relating to the local affected community and may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary shall consult with 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 agency is required by law to provide to all landowners in its jurisdiction without direct charge; or

(J) firefighting or security-guard functions.

(K) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of the 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.

(L) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(M) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to effectuate the transfer under paragraph (1) 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 approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with a redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation referred to in the Secretary's determination if the Secretary determines appropriate that such postponement is in the best interests of the communities affected by the closure 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 to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of such military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation involved 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 referred to in such clause that are located within the area to be served by the redevelopment plan in the area or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which an identified excess interest in the use of such buildings or property is vested in any other Federal agency, and shall consult with the redevelopment authority with respect to the installation involved with the redevelopment plan for the installation involved with the redevelopment plan for the installation involved;

(II) take such actions as are necessary to carry out at the installation.

(ii) A representative of the homeless shall submit in a newspaper of general circulation in the communities in the vicinity of the installation concerned for the buildings or property covered by this paragraph information on the development of the homeless assistance program at the installation.

(iii) Prior to submitting a redevelopment plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (C), the Secretary of Defense shall

(I) notify the Secretary of Housing and Urban Development of the final determinations referred to in paragraph (5) relating to the sale of the buildings or property covered by this paragraph;

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities;

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation referred to in subparagraph (B)(i)(IV) a notice of interest under this clause describing the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(iv) A redevelopment authority shall consult with representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities and provide for the reversion to the redevelopment authority under subparagraph (C) of any building or property at the installation for which a redevelopment plan has been submitted by the Secretary of Defense to the Secretary of Housing and Urban Development under subparagraph (G). A redevelopment authority shall complete preparation of a redevelopment plan for an installation as required by the Secretary of Defense under subparagraph (F) not later than 30 days after the date of publication of such a notice.

(v) A redevelopment authority shall submit to the Secretary of Housing and Urban Development an application under clause (i) of subparagraph (G) (if subparagraph (F) is inapplicable) or an application under subparagraph (F).

(2) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program shall accompany the application.

(3) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(4) An assessment of the time required in order to commence carrying out the program.

(5) A redevelopment authority may not realign under this subtitle any public information submitted to the redevelopment authority under clause (iii)(V) without the consent of the representative of the homeless unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(6) A representative of the homeless shall provide opportunity for public comment on a redevelopment plan before submitting the plan to the Secretary of Defense under subparagraph (K) or (L).

(A) A redevelopment authority shall complete preparation of a redevelopment plan for the installation and submit the plan under subparagraph (G) not later than 270 days after the date of publication of the notice of interest of use of the buildings or property at the installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homelessness assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(B) A redevelopment authority may not realign under this subtitle any public information submitted to the redevelopment authority under clause (iii)(V) without the consent of the representative of the homeless unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(C)(i) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submitting the plan to the Secretary of Housing and Urban Development under subparagraph (G).

(iii) An assessment of the time required in order to commence carrying out the program.

(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 in the use to assist the homeless of buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(iii) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall provide legally binding agreements that provide for the use to assist the homeless of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(i) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submitting the plan to the Secretary of Defense under subparagraph (K) or (L).

(II) A redevelopment authority shall complete preparation of a redevelopment plan for the installation and submit the plan under subparagraph (G) not later than 270 days after the date of publication of the notice of interest of use of the buildings or property at the installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homelessness assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(B) A redevelopment authority may not realign under this subtitle any public information submitted to the redevelopment authority under clause (iii)(V) without the consent of the representative of the homeless unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(2) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submitting the plan to the Secretary of Housing and Urban Development under subparagraph (G).

(A) A redevelopment authority shall complete preparation of a redevelopment plan for the installation and submit the plan under subparagraph (G) not later than 270 days after the date of publication of the notice of interest of use of the buildings or property at the installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homelessness assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(B) A redevelopment authority may not realign under this subtitle any public information submitted to the redevelopment authority under clause (iii)(V) without the consent of the representative of the homeless unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(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 in the use to assist the homeless of buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(iii) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall provide opportunity for public comment on a redevelopment plan before submitting the plan to the Secretary of Housing and Urban Development under subparagraph (G).

(A) A redevelopment authority shall complete preparation of a redevelopment plan for the installation and submit the plan under subparagraph (G) not later than 270 days after the date of publication of the notice of interest of use of the buildings or property at the installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homelessness assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(B) A redevelopment authority may not realign under this subtitle any public information submitted to the redevelopment authority under clause (iii)(V) without the consent of the representative of the homeless unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(2) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submitting the plan under subparagraph (G) not later than 270 days after the date of publication of the notice of interest of use of the buildings or property at the installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homelessness assistance programs in the communities in the vicinity of the installation.
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.

(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.

(IV) An assessment of the manner in which the redevelopment plan balances the expressed interests and the needs of the communities in the vicinity of the installation for economic redevelopment and other development.

(V) 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 in such communities, and the suitability of the buildings and property covered by the plan, for the expressed needs 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, including existing and emerging needs 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 expressed 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;

(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) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the results of such negotiations and consultations.

(J)(i) Upon notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet the requirements set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(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.

(J)(ii) It is the sense of Congress that the Secretary of Defense and the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan does not meet the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(I) A description of the program of such redevelopment and the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless;

(II) A description of the extent to which the buildings and property that the representative proposes to use for such purpose will assist the homeless;

(III) Such information as the 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.

(V) 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.

(II) 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 eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant to receive property at the installation.

(J)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii) of that subparagraph;

(II) consult with the representatives referred to in clause (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;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(V) a description of the extent to which the buildings and property that the representative proposes to use for such purpose will assist the homeless;

(VI) A description of the extent to which the buildings and property that the representative proposes to use for such purpose will assist the homeless;
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 will take 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 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 consideration to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property to assist the homeless, the Secretary shall, if the property is in the interests of the communities the Secretary considers appropriate if 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 Secretary determines that the provision of such services under such agreements is in the best interests of the communities referred to in subparagraph (A),)) (O) The Secretary of Defense may postpone the closing or realigning of a military installation approved for closure or realigning after the receiving installation approved for closure or realigning.

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority shall be responsible for the implementation and compliance with agreements under the redevelopment plan described in such subparagraph to be transferred.

(N) A transfer of Federal action for services entered into with a local government for the provision of police or security services, fire protection services, air-traffic control services, or other community services or arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, air-traffic control services, or other community services is in the best interest of the communities referred to in clause (i) and (ii) of paragraph (2)(A) as part of the proposed Federal action for the installation after the receiving installation has been selected but before the functions are relocated.

(2)(A) 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 sub-title.

(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 referred to in clause (i) and (ii) of subparagraph (A).

(C) 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 subparagraph (A), the Secretary of Defense during the closing, realigning, or relocating of functions referred to in this paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(e) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(f) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(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. 9601 et seq.), the Secretary may enter into agreements (including easements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, air-traffic control services, 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 communities referred to in subparagraph (A).

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) 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 the services to the extent that professionals are available under the jurisdiction of such government.

(g) 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 sub-title.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to the actions of the Department of Defense under 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 referred to in clause (i) and (ii) of subparagraph (A).

(C) 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 subparagraph (A), the Secretary of Defense during the closing, realigning, or relocating of functions referred to in this paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.
will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraphs (e) to persons or entities described in subsection (a)(1), 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 2714(b), there shall be established in the Treasury in a reserve account 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; and

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated 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 unobligated funds that remain 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 transferred by law after the congressional defense committees receive the report transferred by law after the congressional defense committees in writing a report on that decision. Each such report shall include—

(i) a justification for the project and a current estimate of the cost of the project; and

(ii) a justification for carrying out the project under this subtitle.

(4) The Secretary may carry out a construction project under subparagraph (A) only after the end of the seven-day period beginning on the date on which the Secretary transmits written notice of, and the report made under section 2714(a) concerning the project, to the congressional defense committees.

(i) The date on which the report under clause (i) relating to such project is received by the congressional defense committees; or

(ii) the date on which a copy of such report is provided to such committees in an electronic medium pursuant to section 480 of title 10, United States Code.

(5) A project not subject to funds under this section shall be carried out within the total amount of funds appropriated for the Account that have not been obligated for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(6) In this subsection:

(A) The term “commissary store funds” means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term “nonappropriated fund instrumentalities” means an instrumentality of the United States under the jurisdiction of the Army and Air Force Exchange Service, the Navy Rural and Services Support Office, and the Marine Corps exchanges, which is conducted for the compensation, contentment, or physical or mental improvement of members of the Armed Forces.

(c) 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 may not be used for purposes described in section 2714(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) The term “commissary store funds” means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(2) The term “nonappropriated funds” means funds received from a nonappropriated fund instrumentality.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR REAL ESTATE PROJECTS.—For environmental restoration projects.

(f) AUTHORIZED COST AND SCOPE OF WORK VOUCHERS.—(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 accompanying 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 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.

(3) The term "cost or scope variations" means—

(A) any modification or termination that would result in a reduction or termination of the benefits available under the plan that is approved for such modification or termination in clear and unambiguous terms, that the plan participant, the employee or, if longer, the life of the employee are fully vested and cannot be modified or terminated for the life of the employee.

(B) any contract or agreement entered into under the previous agreement, if such modification or termination would result in a reduction or termination of the benefits available under the plan.

(C) any reduction or termination of the benefits provided under the plan with respect to the employer or employee.

(D) any change in benefits or other payments to the employer or employee.

(E) any change in benefits or other provisions of the plan.

[Footnote: The term is defined in section 101(a)(17) of title 10, United States Code.]
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. 1. 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 and 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:

TITLES I—MARKETPLACE STABILITY AND SECURITY

TITLE I—MARKETPLACE STABILITY AND SECURITY

Sec. 101. Individual Market Reinsurance Fund.

Sec. 102. Public health insurance option.

TITLE II—HEALTH CARE FINANCIAL SECURITY

Sec. 201. Increase in eligibility for premium assistance tax credits.

Sec. 301. Enhancements for reduced cost sharing.

TITLES 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.

TITLES IV—MEDICAID COLLABORATIVE CARE MODELS

Sec. 401. Enhanced FMAP for medical assistance provided through a collaborative care model.

TITLES V—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 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 or 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), $450,000; and

(ii) subparagraph (A)(ii), $400,000.

(3) INDEXING.—In the case of plan years beginning after 2018, the dollar amounts that appear in subparagraphs (A) and (B) of paragraph (2) shall each be increased by an amount equal to—

(A) such amount; multiplied by

(B) 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 made to such extent as the Secretary determines. The Secretary may establish a payment method by which interim payments of amounts under this subsection are made 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.—

(1) REQUIREMENT.—Payments under this subsection to a health insurance issuer are conditioned upon the furnishing to the Secretary, in a form and manner specified by the Secretary, of such information as may be required to carry out this subsection.

(2) INFORMATION REQUIRED.—Information disclosed or obtained pursuant to clause (1) is subject to the HIPAA privacy and security law, as defined in section 3009(a) of the Public Health Service Act (42 U.S.C. 300jj-19(a)).

(3) SECERTARY FLEXIBILITY FOR BUDGET NEUTRAL REVISIONS TO REINSURANCE PAYMENT SPECIFICATIONS.—If the Secretary determines that the reinsurance payments made to an issuer under this section are not budget neutral, the Secretary may reduce the amounts in the Fund in accordance with this subsection.

(c) OUTREACH AND ENROLLMENT.—

(1) IN GENERAL.—During the period that begins on January 1, 2018, and ends on December 31, 2020, the Secretary shall award grants to eligible entities for the following purposes:

(A) OUTREACH AND ENROLLMENT.—To carry out outreach, public education activities, and enrollment activities to raise awareness and provide for reinsurance enrollment in, qualified health plans.

(B) ASSISTING INDIVIDUALS TRANSITION TO QUALIFIED HEALTH PLANS.—To provide assistance to individuals who are enrolled in health insurance coverage that is not a qualified health plan

(C) ASSISTING ENROLLMENT IN PUBLIC HEALTH PROGRAMS.—To facilitate the enrollment of eligible individuals in the Medicare program or in a State Medicaid program, as appropriate.

(D) RAISING AWARENESS OF PREMIUM ASSISTANCE AND COST-SHARING REDUCTIONS.—To distribute fair and impartial information concerning enrollment in qualified health plans and the availability of premium assistance tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act, and to assist eligible individuals in applying for such credits and cost-sharing reductions.

(2) ELIGIBLE ENTITIES DEFINED.—

(a) IN GENERAL.—In this subsection, 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 enrollees of a qualified employer in a qualified health plan.

(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to awarding grants to States or eligible entities in States that have geographic rating areas that are at risk of enrolling no qualified health plans in the individual market.

(4) FUNDING.—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.

(d) REPORTS TO CONGRESS.—

(1) 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 payment program 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 from any geographic area in the State’s individual market, and category of health plan (as described in subparagraph (A)).

(2) PROCESS USED TO DETERMINE FUNDING FOR OUTREACH AND ENROLLMENT ACTIVITIES.—The process used to distribute funds awarded for outreach and enrollment activities awarded to eligible entities under subsection (c), the
amount of such funds awarded, and the activities carried out with such funds.

(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 and enrollment in the individual market in all States; and

(B) contains a State-by-State comparison of the programs carried out in all States with funds provided under this section.

(3) DEFINITIONS.—In this section—

(1) SECRETARY.—The term ‘Secretary’ means the Secretary of the Department 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 1251(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 $50,000 in a year for a plan.

(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 to Medicare and Medicaid enrollees.

SEC. 102. PUBLIC HEALTH INSURANCE OPTION.

(a) IN GENERAL.—Part 3 of subtitle D of title XIX of the Social Security Act (42 U.S.C. 1396p et seq.) and other purposes under this section, including 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 section in the same manner as such provisions apply to Medicare and Medicare beneficiaries.

(c) 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.

(d) PROVIDERS.—Payment rates for the public health insurance option for services and health care provided consistent with this subsection and may change such payment rates in accordance with subsection (d).

(e) INITIAL PAYMENT RULES.—

(1) IN GENERAL.—During 2018, 2019, and 2020, the Secretary shall set the payment rates under this subsection for services and benefits described in subsection (a) equal to the payment rates for equivalent services and providers under parts A and B of Medicare, subject to clause (ii), paragraph (4) of this subsection.

(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 subsection (f) for prescription drugs shall be set as if under part D of Medicare, and shall be at rates negotiated by the Secretary.

(h) PROVIDER NETWORKS.—

(A) SUBSEQUENT PERIODS.—Beginning with the year 2021 and for subsequent years, the Secretary shall establish a network of health care providers participating under this subsection that includes a sufficient number of entities to reasonably ensure the availability of health care providers that are otherwise provided with respect to the public health insurance option.

(B) ESTABLISHMENT OF PROVIDER NETWORK.—Health care providers participating under Medicare are participating providers for the public health insurance option unless they opt out in a process established by the Secretary.
S4516  CONGRESSIONAL RECORD — SENATE  July 27, 2017

“(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 subtitle and the specified methodology for establishing such rates or the calculation of such rates.

“(4) CONSTRUCTION.—Nothing in this section shall be construed 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 applying such adjustments based on the demographic characteristics of enrollees covered under the public health insurance option, or the level of expenditures that would have occurred under paragraph (B), 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 accountable care initiatives provided for under subsection (d).

“(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review of a payment rate or methodology established under this subsection or under subsection (a).

“(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 may 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 have occurred under paragraph (B), 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—

“(A) seeks to—

“(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) address 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 benefits 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.

“(d) NON-UNIFORMITY PERMITTED.—Nothing in this section shall be construed to 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 for 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).

“(f) 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 also apply to the public health insurance option.

“(g) MEDICARE DEFINED.—For purposes of this section, the term ‘Medicare’ means the health insurance programs under title XVIII of the Social Security Act.

“(h) CONFORMING AMENDMENTS.—

“(1) TREATMENT AS QUALIFIED HEALTH PLAN.—Section 1391(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’; and

“(B) by inserting ‘the public health insurance option under section 1325,’ before ‘and a multi-State plan’.

“(2) LEVELS OF PAYMENT.—Section 1324(a) of such Act is amended by inserting ‘the public health insurance option under section 1325,’ before ‘or a multi-State qualified health plan’.

TITLE II—HEALTH CARE FINANCIAL ASSISTANCE

SEC. 201. INCREASE IN ELIGIBILITY FOR PREMIUM ASSISTANCE TAX CREDITS.

“(a) IN GENERAL.—Subsection (B) of section 36B(b)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ‘400 percent’ and inserting ‘600 percent’.

“(b) CONFORMING.—The table contained in clause (i) of section 36B(b)(3)(B)(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(c)(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’ in the table.

“(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 100 percent but not more than 150 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;

“(B) in the case of an eligible insured whose household income is more than 150 percent but not more than 200 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 90 percent of such costs; and

“(C) in the case of an eligible insured whose household income is more than 200 percent but not more than 250 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 85 percent of such costs.

“(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;

“(2) PRESCRIPTION DRUG REBATE AMENDMENT.—Clause (1) of section 1402(c)(1)(B) of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

“(g) MEDICARE DEFINED.—For purposes of this section, the term ‘Medicare’ means the health insurance programs under title XVIII of the Social Security Act.

“(h) CONFORMING AMENDMENTS.—

“(1) TREATMENT AS QUALIFIED HEALTH PLAN.—Section 1391(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’; and

“(B) by inserting ‘the public health insurance option under section 1325,’ before ‘and a multi-State plan’.

“(2) LEVEL OF PAYMENT.—Section 1324(a) of such Act is amended by inserting ‘the public health insurance option under section 1325,’ before ‘or a multi-State qualified health plan’.

TITLE III—DRUG PRICING

SEC. 201. REQUIRING DRUG MANUFACTURERS TO PROVIDE DRUG REBATES FOR DRUGS DISPENSED TO LOW-INCOME INDIVIDUALS.

“(a) IN GENERAL.—Section 1860–D of the Social Security Act (42 U.S.C. 1395w–102) is amended—

“(A) in the matter preceding subsection (e)(1), in the matter preceding subparagraph (A), by inserting ‘and subsection (f)’ after ‘this subsection’; and

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

“(g) PRESCRIPTION DRUG REBATE AMENDMENT FOR RERATE 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) No 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, in the amount specified in paragraph (3) for any covered part D drug of the manufacturer dispensed after December 31, 2017, to 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 State or other subsidies 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 the receipt of the information described in section 1860D–12(b)(7), including such information as is applied under section 1860D–12(b)(7), 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 may establish terms and conditions of such agreement relating to compliance, penalties, and program evaluations, investigations, and audits that are similar to the terms 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 dosage 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 such rebate period for such rebate eligible individual, divided by

(ii) the amount (if any) by which—

(I) the Medicaid rebate amount (as defined in paragraph (6)(B)) for such form, strength, and period, exceeds

(II) the number of the units of such dosage form and strength of the drug dispensed, calculated on a per-unit basis, but only to the extent that any such rebate, discount, or other price concession applies equally to drugs dispensed during the rebate period to rebate eligible individuals enrolled in or under MA-PD plans administered by the MA organization; divided by

(iii) 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 prescription drug plans administered by the PDP sponsor or the MA–PD plans administered by the MA organization; divided by

(iv) the average Medicare drug program rebate eligible rebate amount (as defined in paragraph (3)(C) of such section) for such form, strength, and period.

(B) Reporting requirement for the determination and payment of rebates by manufacturers related to rebate for rebate eligible medicare drug plan enrollees.—

(A) In general.—For purposes of the rebate under section 1860D–2(f) for contract years 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 PDP sponsor 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 each drug of the PDP sponsor provided by a manufacturer for a rebate period; and

(ii) any additional information that the Secretary determines is necessary to enable the Secretary to calculate the average Medicare drug program rebate eligible rebate amount (as defined in paragraph (3)(C) of such section) and to determine the amount of the rebate required under this section, 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 auditing, investigation, and enforcement.

(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 wielders under subparagraph (D) of such section.
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:

"(a) Access to a Choice of Qualified Prescription Drug Coverage.

(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 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.

(3) QUALIFYING PLAN DEFINED.—For purposes of this section, the term ‘qualifying plan’ means—

(A) a prescription drug plan;

(B) an MA plan described in section 1851(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 benefit premium applied under the plan, due to the application of a credit against the amount of a rebate under section 1854(b)(1)(C); or

(C) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b).

(4) REPORTING REQUIREMENT RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLERS.—Amounts paid under a rebate agreement under section 1860D–2(f) shall be included in the Account established under section 1860D–16(c)."

(c) DEFINITION OF BEST PRICE AND AVERAGE MANUFACTURER PRICE UNDER MEDICAID.—Section 1851(a)(3) of the Social Security Act (42 U.S.C. 1395w–103) is amended by inserting "and amounts paid under a rebate agreement under section 1860D–2(f) shall be included in the Account established under section 1860D–16(c)" after "this section".

(e) EXCLUSION FROM AVERAGE MANUFACTURER PRICE DETERMINATION.—Section 1227 of the Social Security Act (42 U.S.C. 1395w–116) is amended by inserting "and amounts paid under a rebate agreement under section 1860D–2(f) shall be included in the Account established under section 1860D–16(c)" after "this section".

(f) EXCLUSION FROM AVERAGE MANUFACTURER PRICE DETERMINATION.—Section 1227 of the Social Security Act (42 U.S.C. 1395w–116) is amended by inserting "and amounts paid under a rebate agreement under section 1860D–2(f) shall be included in the Account established under section 1860D–16(c)" after "this section".

(g) DETERMINE OF BEST PRICE AND AVERAGE MANUFACTURER PRICE UNDER MEDICAID.—Section 1851(a)(3) of the Social Security Act (42 U.S.C. 1395w–103) is amended by inserting "and amounts paid under a rebate agreement under section 1860D–2(f) shall be included in the Account established under section 1860D–16(c)" after "this section".

(h) REPORTING REQUIREMENT RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLERS.—Amounts paid under a rebate agreement under section 1860D–2(f) shall be included in the Account established under section 1860D–16(c)."

SEC. 302. NEGOTIATION OF PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to nonresistance) and inserting the following:

"(i) Negotiation of Prices for Medicare Prescription Drugs.—

(1) Negotiation of Prices for Medicare Prescription Drugs.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have and exercise authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered Part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

(2) NATIONAL FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered Part D drugs."
was ordered to lie on the table; as follows:

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 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. 105. REPEAL OF MEDICAL DEVICE TAX.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 26 of subchapter E.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

SA 502. Mr. ENZI (for Mr. HELLE and Mr. 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 48 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 section 4995 (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 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. 114. REPEAL OF MEDICAL DEVICE TAX.

(a) IN GENERAL.—Chapter 29 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

SA 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 subject to privacy, confidentiality, security, and other requirements, including 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) be available under an open license;

"(2) open Government data assets published by or for an agency shall be available under an open license.

"(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) or data assets shall be made available under an open license.

"(1) privacy 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 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) Other data assets.

(G) Other elements as required by the guidance issued by the Director under subsection (c).

(3) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency, in coordination with privacy and security officials of the agency, shall use the 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 an open 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—

(1) shall 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 public 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.—To promote general information resources management, each agency shall—

(1) improve the integrity, quality, and utility of information for all users within and outside the agency, including each of the following:

(i) make available data assets in open format;

(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding data asset users and use and open Government data assets;

(iii) identify and implement methods for collecting and analyzing digital information on data asset use outside the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements;

(2) develop and implement a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets;

(3) to the extent practicable, update the plan at an interval determined by the Director;

(4) includes requirements for meeting the goals of the open data plan, including the technology, training for employees, and implementing procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from the public and private sectors; and

(5) prohibits the disclosure of data assets unless the data asset may be released to the public in accordance with guidance issued by the Director under section 3562(d).

(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency—

(1) shall provide access to open Government data assets on or after the date of enactment of this Act;

(2) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are necessary for the protection of 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 in the publishing of open Government data sets and encourage collaboration by—

(A) publishing information on open Government data sets regularly, in time intervals, but not less frequently than annually;

(B) receiving public input regarding priorities for the collection and disclosure of data sets 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 sets.

§ 3565. Additional agency data management responsibilities

The Chief Information Officer of each agency, or any other appropriate official designated by the agency, in collaboration with other internal agency stakeholders, is responsible for—

(1) data asset management, format standardization, cataloging, and publication of data assets; and

(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3564.

(3) ensuring that agency data conforms with open data best practices;

(4) engaging agency employees, the public, and other open data asset users in the development of open Government data sets and encouraging collaborative approaches to improving data use;

(5) supporting the agency Performance Improvement Program data to support the function of the Performance Improvement Officer described in section 1124(a)(3) of title 31;

(6) supporting the officials responsible for leading agency mission areas and Government-wide initiatives in maximizing data available for program administration, statistical analysis, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions; and

(7) reviewing the 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.

(8) ensuring that, to the extent practicable, the agency is maximizing data asset access and use in agency information systems generated by applications, devices, networks, facilities, and equipment, categorized by source type, and such use is not otherwise prohibited by existing law, regulation, or policy, that allow for the acquisition of innovative solutions from the public and private sectors; 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 required

(a) FEDERAL DATA CATALOG REQUIRED.—The Administrator of General Services shall maintain a single public interface, online, 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) SPECIAL PROVISIONS.

(A) EFFECTIVE DATE.—Notwithstanding subparagraph (A)(1), section 3561 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 be implemented with respect to data assets entered into by an agency on or after such effective date.

(B) USE OF OPEN DATA SETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet 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 amended by adding at the end the following:

(2) 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. Federal agency responsibilities.

§ 3565. Additional agency data management responsibilities.

§ 3566. Federal Data Catalog.

§ 3567. Evaluation of agency analytical capabilities.

(1) AGENCY REVIEW OF EVALUATION AND ANALYSIS 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 coverage, quality, methods, effectiveness, and independence of the evaluation, report, and analytical efforts of an agency, including each of the following:

(A) A list of the activities and operations of the agency that are being evaluated 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 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 privacy.

(D) The extent to which the agency uses methods and combinations of methods that are agency specific, 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 programs to develop the capacity to use evaluation research and analysis approaches and data for decision making.

(3) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted under paragraph (1) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) 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 of best practices, and schema standards to facilitate the adoption of open data practices, which shall—

(A) include definitions, regulation and policy, data use 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 Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(A) the extent to which the information made available is publicly accessible; and

(B) whether it is valuable to expand the publicly accessible information to any other data assets, and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 3563 of title 44, United States Code, as added by subsection (c).

(3) BIMONTHLY COM REPORT.—Not later than 1 year after the effective date of this section, and every 2 years thereafter, 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.

(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 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 44, 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 552a 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 to add Subtitle B—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 section and the amendments made by this section;

(B) approximately 6,300,000 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 $5,900,000,000 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 human rights violations in Syria, the Independent International Commission of Inquiry on the Syrian Arab Republic (referred to in this section as "COI") was established by the Security Council of the United Nations 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 responsible persons or entities", with funding from the United Nations General Assembly adopted a resolution to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of those responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

(5) Pursuant to the COI's Report on International Religious Freedom Annual Report states that in Syria "reports have emerged from all groups, including Muslims, Christians, Ismailis, and others, of gross human rights violations, including breaking, rape, murder, torture of civilians and religious figures, and the destruction of mosques and churches."

(6) On February 7, 2017, Amnesty International reported that between 5,000 and 13,000 people were extrajudicially executed in the Saydnaya Military Prison between September 2011 and December 2013.

(7) In February 2017, COI released a report—

(A) 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

(B) explaining that the attack killed at least 14 civilian aid workers, injured at least 15 others, and destroyed trucks, food, medicine, clothes, and other supplies; and

(8) On October 21, 2016, the Organization for the Prohibition of Chemical Weapons—United Nations Joint Investigative Mechanism transmitted its fourth report, which concluded that the Syrian Government and the Islamic State in Iraq and Syria (ISIS) have both used chemical weapons against villages in Syria.

(9) On July 31, 2015, COI released a report stating that certain offenses, including deliberately attacking hospitals, executions without due process, and the massive and systematic nature of state-controlled detention facilities in Syria, constitute war crimes and crimes against humanity.

(10) Physicians for Human Rights reported that, between March 2011 and the end of December 2016, Syrian government and allied forces—

(A) had committed 422 attacks on medical facilities (including through the use of indiscriminate barrel bombs on at least 80 occasions); and

(B) had killed 735 medical personnel.

(11) The Department of State's 2016 Country Reports on Human Rights Practices—

(A) details President Bashar al-Asad's use of indiscriminate and deadly force against civilians, conducting air and ground-based military assaults on cities, residential areas, and civilian infrastructure"; and

(B) explains that "[t]he attacks included bombardment with improvised explosive devices, commonly referred to as 'barrel bombs' . . ."; and

(12) Reporters observe that "[t]he government of [Syria] continued the use of torture and rape, including of children"
(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. We can and must lead 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, forced disappearance or other forms of sexual violence, torture, imprisonment, enforced disappearance, and other inhuman acts”; and
(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 against Syrian abusers of human rights”.

SEC. 12. SENSE OF CONGRESS.

Congress—
(1) strongly condemn—
(A) the ongoing violence, use of chemical weapons, targeting of civilian populations with barrel, incendiary, and cluster bombs and SCUD missiles, and systematic gross human rights violations carried out by the Government of Syria and pro-government forces under the direction of President Bashar al-Assad;
(B) all abuses committed by violent extremist groups and other combatants involved in the conflict in Syria;
(C) all sieges of civilian populations.

(2) expresses its support for the people of Syria seeking peace.

(3) urges all parties to the conflict—
(A) to immediately halt indiscriminate attacks on civilians;
(B) to allow for the delivery of humanitarian and medical assistance; and
(C) to end sieges of civilian populations.

(4) calls on the President to support efforts in Syria and on the part of the international community, to ensure accountability for war crimes, crimes against humanity, and genocide committed during the civil war in Syria, including—
(A) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;
(B) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and other combatants in the conflict; and
(C) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and
(D) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and
(E) 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 in Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and
(5) supports the request in United Nations resolutions that transitional justice mechanisms be supported, and what type transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be provided.

(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 detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be provided.

(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. 5. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.

(a) 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 date of the enactment of this Act and after each of the following:
(A) the Committee on Foreign Relations of the Senate;
(B) the Committee on Appropriations of the Senate; and
(C) the House of Representatives.

(b) Elements.—The report required under subsection (a) shall include—
(1) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—
(A) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;
(B) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and other combatants in the conflict; and
(C) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and
(2) 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 committed in the Syrian Arab Republic; and
(3) 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 committed in the Syrian Arab Republic in Syria beginning in March 2011; and
(4) build Syria’s investigative and judicial capacity.

(c) To document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international non-governmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and
(D) to assess the influence of accountability measures on efforts to reach a negotiated settlement.

(c) FORM.—The report required under subsection (a) may be submitted in an unclassified form, but shall include a publicly available annex.

(d) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm due to the destruc-

tion of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

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 complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and
(2) submit a detailed report of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be provided.

(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. 7. TECHNICAL ASSISTANCE AUTHORIZED.

(a) In General.—The Secretary of State (acting through appropriate officials and offices, which 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, including violent extremist groups in Syria beginning in March 2011—
(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide; and
(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;
(3) conduct criminal investigations; and
(4) build Syria’s investigative and judicial capacities and support prosecutions in the
domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;
(5) support investigations by third-party states or appropriate international bodies;
(6) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(b) IN GENERAL.—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 subsection 12-6, is authorized to provide assistance to support the creation 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. STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.

Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2765(b)) is amended by inserting “including war crimes, crimes against humanity, or genocide committed in Syria beginning in March 2011” after “genocide.”

SEC. 121. INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.

The Secretary of State, acting through the United States Permanent Representative to the United Nations, shall use the voice, influence, and 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 investigations 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 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. 122. 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, counteracting, 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), including technical, policy, and resource gaps with respect 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 use such technologies for international terrorism involving the use of nuclear weapons;
(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.

(b) RECOMMENDATIONS.—The assessment conducted under subsection (a) shall include recommendations to the Secretary of Energy, Congress, and such other Federal entities 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 Federal, State, and tribal governments;
(3) improving cooperation between the United States and other countries and international organizations;
(4) other important matters identified by the National Academy of Sciences that are directly relevant to those strategies.

(c) BRIEFING.—The Secretary of Energy, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall provide appropriate briefings to the National Academy of Sciences with respect to supporting the timely conduct of the assessment required by subsection (a).

SEC. 1218. COOPERATION BETWEEN INDIA AND AFGHANISTAN.

(a) SENSE OF CONGRESS ON BILATURAL CO-OPERATION.—It is the sense of Congress that, in order to promote stability and security in Afghanistan, the President of the United States should, in coordination with the Secretary of State, identify and promote means by which the Government of India may do the following:

(1) Increase security assistance to the Afghan National Security Forces (ANSF), including through the provision of logistics support, threat analysis, materials, and critical emerging threats, and infrastructure.
(2) Support targeted infrastructure development and economic investment in Afghanistan, including through the provision of such investment that is aligned with the mutual interests of the India Government and the United States Government.

(b) ENHANCED TRILATERAL CO-OPERATION.—In order to enhance trilateral cooperation between Afghanistan, India, and the United States and to promote mutual priorities for security assistance in Afghanistan, the Secretary of Defense shall, in coordination with the Secretary of State—

(1) work with representatives of the Afghanistan Government, the India Government, and the United States Government onPlano, an ongoing basis to—

(A) prioritize military, security, and non-security priorities for investments to promote security and stability in Afghanistan that align with the mutual interests of Afghanistan, India, and the United States;
(B) develop strategies to help Afghans assist in controlling and reducing the capabilities of Afghan security forces, and determine means of addressing such gaps;
(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 militaries 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. 1. PARENTAL LEAVE FOR MEMBERS OF THE ARMED FORCES.

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (1) and (j);

(2) by redesignating subsection (k) as subsection (j); and

(3) by inserting after subsection (h) the following:

‘‘(1) A member of the armed forces, regardless of gender or marital status, shall be authorized to take up to 60 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 leave under 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 end of subtitle P of title X, add the following:

SEC. 2. 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 capability and availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1), and the ability 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 that paragraph.

(6) A description of specific capability gaps or risk areas identified pursuant to paragraph (1) by accomplishing other assigned missions, for each scenario described pursuant to that paragraph.

(7) A description and assessment of potential solutions to address the capability gaps and risk areas identified pursuant to paragraph (1), including increases in capability, increased capacity, or new operating concepts that could be employed by United States naval forces.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) 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, the Navy Special Warfare, 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. 3. 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. CARDIN, 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. 4. 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 top 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. 5. REQUIREMENTS RELATING TO MULTIPLE USE RENTAL 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. 6. REQUIREMENTS RELATING TO MULTIPLE USE RENTAL FACILITIES.
(a) FINDINGS.—Congress makes the following findings:

(1) The War on Terrorism 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) STATE 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.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SA 519. 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:

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:

At the appropriate place, insert the following:

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:

SEC. 2. CALCULATION OF THE COST OF DROP-IN FUELS. Section 2322a 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 full burdened cost of 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.”.

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, 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 AIRPORTS USED BY MAHAN AIR.

(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 northeastern 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; and

(3) a plan 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;

(c) Description.—A description of all security cooperation currently being provided to the Nigerian security sector, 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

(d) Other Matters.—Any other matters the President deems appropriate.

(d) Form.—The report required under subsection (a) shall be submitted in unclassified form with a classified annex.

(e) Prohibition on Transfers.—No precision-guided or other types of air-delivered bombs may be transferred to the Government of Nigeria until the President certifies that the Government of Nigeria has made progress in enhancing its accountability for human rights abuses, including for the Zaria massacre in December 2015 that killed 300 people, and has publicly issued the findings of the inquiry into the January 2016 bombing in Kano.
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—
(i) 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
(ii) an explanation 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 or other fees paid 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 permanently maintained 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 end of subtitle B of title I, add the following:

SEC. ___ 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 legacy M113 Army 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.

SA 525. Mr. WHITEHOUSE (for himself, Mr. Daines, Mr. Peters, 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. ___ UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) GRANT PROGRAM.—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 any 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) and the Secretary determines that such reduction or elimination is necessary and appropriate.

(C) MERIT REVIEW.—In carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

(D) REVIEW PROCESSES.—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. 15801), or nonprofit entity in the United States; and

(E) 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—

(i) one or more for-profit business entities, academic institutions, National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(ii) one or more for-profit business entities, academic institutions, or nonprofit entity in Israel; or

(iii) the Federal Government; and

(iv) the Government of Israel.

(F) APPLICATIONS.—To be eligible to receive a grant under this subsection, a recipient shall submit to the Secretary an application for such grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(G) ADVISORY BOARD.—

(A) 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.

(B) 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

(iii) one shall be a representative of the National Laboratories.
(iii) one shall be selected from a list of nominees provided by the Israel-United States Binational Industrial Research and Development Foundation.

(6) Comptroller General.—Notwithstanding any other provision of law, the Secretary may accept or retain funds contributed by any person, government entity, or organization carrying out joint civil and military activities. Such funds shall be available, subject to appropriation, without fiscal year limitation.

(7) Report.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report setting forth the following:

(A) a description of how the grant funds were used by the recipient; and

(B) an evaluation of the level of success of each project funded by the grant.

(b) Classification.—Grants shall be appropriated under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(b) Project programs authorized by this subsection shall end by the date that is 7 years after the date of the enactment of this Act.

(c) No additional funds authorized.—No additional funds shall be appropriated to be available in the 2018 fiscal year for this project to carry out any of the activities referred to in subsection (a). Such requirements shall be carried out using amounts otherwise appropriated.

(d) Definitions.—In this section—

(1) the term "Secretary" means the Secretary of State in such efforts and support.

(2) the term "cybersecurity technology" means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term "cybersecurity threat" has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(4) the term "Department" means the Department of Homeland Security; and

(5) the term "Secretary" means the Secretary of Homeland Security.

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, 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 A of title XII, add the following:

SEC. 8. 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 333(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 to train 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) Appropriations of Congress designated.—In this section, the term "appropriations of Congress" means—

(A) the 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.

SA 528. Mr. LEAHY 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 B of title XII, add the following:

SEC. 9. HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.

The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.

SA 530. Mrs. McCASKILL (for herself and Mr. Tester) 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 497, between lines 18 and 19, insert the following:

(k) Contingent Effectiveness.—

(1) In general.—This section shall not go into effect unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives each of the following:

(A) That a cost-benefit analysis, included with the certifications, demonstrates the transfer of functions of background investigations to Department of Defense will not increase costs to the Department or other agencies.

(B) That the backlog of background investigations at the National Background Investigations Bureau have been eliminated.

(C) That the background investigation programs of the Department of Defense adheres to investigative standards established by the Security Executive Agent, the Suitability.
Executive Agent, and the Credentialing Executive Agent.

(D) That common components of technology systems between the Defense Security Service and National Background Investigation Bureaus have been tested and are operational.

(E) That the background investigation program for contract personnel will adhere to the workforce analysis of the appropriate mix of contractor and Federal employees to conduct the background investigation work for the Department.

(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. 310, 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. 639. REDUCED AGE FOR ELIGIBILITY FOR BETTER PAY FOR NON-REGULAR SERVICE FOR SERVICE ON ACTIVE DUTY IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.——Section 1145(a)(2)(B) 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 1145a(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. 310, 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. 639. REDUCED AGE FOR ELIGIBILITY FOR BETTER PAY FOR NON-REGULAR SERVICE FOR SERVICE ON ACTIVE DUTY IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.——Section 12731(b)(2)(B) 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" and inserting "under section 1230b of this title or a provision of law referred to in section 101(a)(13)(B) or under".

(b) TRANSITIONAL HEALTH CARE.——Section 12731(b)(2)(B) of such title is amended by striking "under a provision of law referred to in section 101(a)(13)(B) or under" and inserting "under section 1230b of this title or a provision of law referred to in section 101(a)(13)(B) or under".

SA 535. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 310, 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 TARGES 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)(ii)) in accordance with this paragraph.

(1) (B) ADJUSTMENT BASED ON LEVEL OF STATE, 1903A ENROLLEE CATEGORY.—Subject to subparagraph (C), with respect to a State, fiscal year, and 1903A enrollee category, if the State’s per capita categorical medical assistance expenditures (as defined in subparagraph (D)(i)) 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 in which such adjustment is to be made; or

(ii) are less than the mean per capita categorical medical assistance expenditures for such category for the fiscal year in which such adjustment is to be made; or

(C) 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) the number of 1903A enrollees for the State, category, and fiscal year, which to adjust States’ target per capita medical assistance expenditures for such category and fiscal year increased by not less than 25 percent, the Secretary shall assume that which shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 3 percent; or

(i) are less than the mean per capita categorical medical assistance expenditures for such category for the fiscal year in which such adjustment is to be made; or

(ii) are less than the mean per capita categorical medical assistance expenditures for such category for the fiscal year in which such adjustment is to be made; or

(iv) are less than the mean per capita categorical medical assistance expenditures for such category for the fiscal year in which such adjustment is to be made; or

(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In determining the appropriate percentages by which to adjust States’ target per capita medical assistance expenditures for a succeeding year, the number of 1903A enrollees for the State, category, and fiscal year increased by not less than 25 percent, 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.

(i) 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)(i)) for such State, category, and fiscal year will equal such increased target medical assistance expenditures.

(ii) 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.

(iii) 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).

(iv) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In determining the appropriate percentages by which to adjust States’ target per capita medical assistance expenditures for a succeeding year, the number of 1903A enrollees for the State, category, and fiscal year, which to adjust States’ target per capita medical assistance expenditures for such category and fiscal year, an amount equal to:

(i) the categorical medical assistance 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.

(D) PER CAPITA CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—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 assistance 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.

(E) That common components of technology systems between the Defense Security Service and National Background Investigation Bureaus have been tested and are operational.

(F) That the background investigation program for contract personnel will adhere to the workforce analysis of the appropriate mix of contractor and Federal employees to conduct the background investigation work for the Department.
At the end of subtitle 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 ballistic missile program.

(3) The Government of North Korea has failed to meet the statutory criteria for designation as a state sponsor of terrorism.

(b) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State, the Secretary of Defense, the Director of National Intelligence, and the United States Attorney General shall submit to the Senate Committee on Foreign Relations, the Committee on Intelligence of the Senate, the Select Committee on Intelligence of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Affairs, and the Select Committee on Intelligence of the House of Representatives a report on the status of North Korea’s efforts to comply with the United States criteria for designation as a state sponsor of terrorism.

SEC. 1271. PROHIBITION ON USE OF FUNDS TO DISESTABLISH SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAMS.

No amounts authorized to be appropriated by this Act 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 intended to be proposed by him to the

Mr. CRUZ (for himself, 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; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1272. REPORT ON ILlicit ACTIVITIES OF CERTAIN IRANIAN PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Treasury, the Secretaries of Commerce and Homeland Security, and the Attorney General, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A list of each person listed, or required to be listed, in Attachment 3 to Annex II of the Joint Comprehensive Plan of Action that has, on or after the date of the implementation of the Joint Comprehensive Plan of Action and before the date of the report, knowingly facilitated, participated in, or engaged in, directed, or provided material support for activities described in subsection (b).

(2) A description of the activity described in subsection (b) engaged in by each person on the list required by paragraph (1).

(b) ACTIVITIES DESCRIBED.—An activity described in subsection (b) engaged in by each person on the list required by paragraph (1) involves the provision or delivery of financial, material, or technological support to—

(A) the Government of Iran;

(B) Iran’s Islamic Revolutionary Guard Corps;

(C) any person with respect to which sanctions have been imposed under any provision of law imposing sanctions with respect to Iran; or

(D) any person that directly, or indirectly through one or more intermediaries, is controlled by, or is under common control with, an entity described in subparagraph (A), (B), or (C).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is any of the following:

(1) ACT of international terrorism.

(2) The proliferation of nuclear or ballistic missile technology or spare parts.
(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 State 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 based in another country that the Secretary of State, acting by the President or the Secretary of State, has determined, for purposes of section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), meets the criteria for designation as a state sponsor of terrorism.

(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 any country 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. 4803(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. Permanent resident status for Liu Xia.

(a) In General.—Notwithstanding subsections (a) and (b) of section 201 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 if admitted for permanent residence upon filing an application for 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 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;

(2) 2 years after the date on which Liu Xia is released from incarceration or travel restriction imposed by the People’s Republic of China; or

(d) Reduction of immigrant visa numbers.—Upon the granting of an immigrant visa or permanent residence to Liu Xia, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a));

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 202(e) of such Act (8 U.S.C. 1152(e));

SA 541. 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:


(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 for 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 Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(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’ PARIIS, Special Application Parachute System does not meet the Marine Corps requirement;

(3) the testing plan for the enhanced multi mission parachute system meets all regulatory requirements; and

(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 (a) includes—

(1) an explanation of the rationale for using the Parachute Industry Association specification normally used for sports parachutes, developed 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 is preparing a paper specifying a para canopy 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. MUKOWSKI) 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 individual eligible 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. 2814. MODIFICATION OF AMOUNT.

Section 2814 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SA 545. 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, sufficient to—

(A) in the case of an eligible insured whose household income is not less than 100 percent but not more than 200 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;  

(B) in the case of an eligible insured whose household income is more than 200 percent but not more than 300 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 90 percent of such costs; and  

(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 85 percent of such costs.

(2) MODIFICATION OF AMOUNT.—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 above—  

"(i) 95 percent in the case of an eligible insured described in paragraph (2)(A);  

"(ii) 90 percent in the case of an eligible insured described in paragraph (2)(B); and  

"(III) 85 percent in the case of an eligible insured described in paragraph (2)(C).

effective date for amendments made by this subsection shall apply to plan years beginning after December 31, 2017.

SA 547. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Ms. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, 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:

"(1) an explanation of the rationale for  

"(2) an inventory and cost estimate for any  

"(3) an explanation of why the Department  

"(4) a discussion of the risk assessment for  

high glide canopy, and specifically how the  

Department of the Navy is mitigating the  

risk for malfunctions experienced in other  

high glide canopy programs.

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. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, 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:

"(1) an explanation of the rationale for  

"(2) an inventory and cost estimate for any  

"(3) an explanation of why the Department  

"(4) a discussion of the risk assessment for  

high glide canopy, and specifically how the  

Department of the Navy is mitigating the  

risk for malfunctions experienced in other  

high glide canopy programs.

SA 549. 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. 204. ENHANCEMENTS FOR REDUCED COST SHARING.

(a) MODIFICATION OF AMOUNT.—  

(1) IN GENERAL.—Section 1402(c)(2) of 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.

(b) CONFORMING AMENDMENT.—Section 1402 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

"(3) EFFECTIVE DATE.—The amendments made by section 102 shall be null and void.

SA 550. 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 appropriate place, insert the following:

"(5) an individual eligible to receive health services from the Indian Health Service or from an Indian Tribe, a Tribal Organization, or an Urban Indian Organization.

SEC. 205. INCREASE IN CHIP ELIGIBILITY AGE.

(a) IN GENERAL.—Section 2101(c)(1) of the Social Security Act (42 U.S.C. 1397d(k)(1)) is amended by striking "19 and inserting "26.".

(b) CONFORMING AMENDMENT.—Section 2112(b)(1)(B) of such Act (42 U.S.C. 1397d(l)(1)) 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 19 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 that title or under a waiver of that plan)".

SEC. 206. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 108 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SEC. 207. MODIFICATION OF AMOUNT.

Section 207 of the Patient Protection and Affordable Care Act (42 U.S.C. 18001) is amended by striking "19 and inserting "26.".

SEC. 208. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 108 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SEC. 209. MODIFICATION OF AMOUNT.

Section 209 of the Patient Protection and Affordable Care Act (42 U.S.C. 18001) is amended by striking "19 and inserting "26.".

SEC. 210. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 108 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SEC. 211. MODIFICATION OF AMOUNT.

Section 211 of the Patient Protection and Affordable Care Act (42 U.S.C. 18001) is amended by striking "19 and inserting "26.".

SEC. 212. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 108 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SEC. 213. MODIFICATION OF AMOUNT.

Section 213 of the Patient Protection and Affordable Care Act (42 U.S.C. 18001) is amended by striking "19 and inserting "26.".

SEC. 214. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 108 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SEC. 215. MODIFICATION OF AMOUNT.

Section 215 of the Patient Protection and Affordable Care Act (42 U.S.C. 18001) is amended by striking "19 and inserting "26.".
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 follows 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 State shall be considered to be 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 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. 9. 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) It shall be the duty of the Secretary, in the discretion of the Board, to invest in full the amounts appropriated to the fund."

(2) 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, is 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 is otherwise consistent with the requirements of that Act.

"(5) Other public health-related activities, as the Secretary determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State or community served by the health center community served by the Indian health program.

(c) 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. 1608).

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 title E of title X, add the following:

SEC. 1040. 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:

"§ 2778. Disclosure requirements for recipients of Department of Defense funds

"An individual or entity (including a State or local government and a recipient of Department of Defense research grant) carrying out a program, 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, requests 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 title G of title X, add the following:

SEC. 8. 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) It shall be the duty of the Secretary, in the discretion of the Board, to invest in full the amounts appropriated to the fund.

(2) 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, is 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 is otherwise consistent with the requirements of that Act.

(3) Other public health-related activities, as the Secretary determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State or community served by the health center community served by the Indian health program.

(c) 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. 1608).

SA 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 title B of title V, add the following:

SEC. 513. REPORT ON COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ON TIMING OF CESSION OF VETERANS BENEFITS FOR MEMBERS OF THE RESERVE COMPONENTS WHOSE ACTIVE DUTY INTERRUPTIONS 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 shall provide timely access to the Department of Veterans Affairs of the commencement and period of active duty of members of the reserve components of the Armed Forces described in subsection (b) in order to ensure the following:

(1) That such members, while on active duty in the Armed Forces, do not receive veterans’ benefits to which such members are otherwise entitled; and

(2) That such members receive benefits to which such members are otherwise entitled and are otherwise entitled to receive while on active duty.

(c) COVERED MEMBERS.—The members of the reserve components of the Armed Forces described in this subsection are members who, while on active duty in the Armed Forces, are not eligible to receive veterans’ benefits to which such members are otherwise entitled during other periods.

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 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 FUNDS OF THE VETERANS 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. 3017) is amended to read as follows:

‘‘(b) INVESTMENT OF FUND ASSETS.—(1) It shall be the duty of the Secretary of the Treasury, by purchase of outstanding obligations of the United States, to invest the funds of the fund, to be held in trust for the Veterans Scholarship and Excellence in Education Fund, in securities other than public debt securities of the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) In general.—During any fiscal year during which the maximum amount of the fund is less than 95 percent of the amount authorized to be transferred to the fund, the Secretary of the Treasury shall, by purchase of outstanding obligations of the United States, come within the United States, or are or come within the possession or control of a United States person, of the amount of the fund not less than 95 percent of the amount authorized to be transferred to the fund.

(3) Loans.—The Secretary of the Treasury may, in his discretion, make such loans as he deems necessary to carry out the purposes of this Act.

(4) Revocable lend-lease.—Nothing in this subsection shall be construed to limit the authority of the President, or any agent or instrumentality of the United States, to make a loan to any foreign country for the purpose of promoting the national defense of the United States.''

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 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. 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 knowingly—

(1) engaged in significant activities undermining United States cybersecurity conducted 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 any asset of any such Iranian person 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.—The President may suspend the application of sanctions under subsection (c) with respect to an Iranian person only if the President submits to the appropriate congressional committees a certification described in paragraph (2) and a detailed justification for the certification.

(e) CERTIFICATION DESCRIBED.—A certification described in this paragraph with respect to an Iranian person is a certification by the President that—

(1) the person has not, during the 12-month period immediately preceding the date of the certification, knowingly engaged in activities that would qualify the person for designation under subsection (b); and

(2) the person is not expected to resume any such activities.

(f) FORM OF CERTIFICATION.—The certification described in this paragraph with respect to an Iranian person shall be submitted in unclassified form but may include a classified annex.

(g) REIMPOSITION OF SANCTIONS.—If sanctions are suspended under paragraph (d), such sanctions shall be reimposed if the President determines that the person has resumed the activity that resulted in the imposition of sanctions or has engaged in any other activity subject to sanctions relating to the involvement of the person in significant activities undermining United States cybersecurity on behalf of the Government of Iran.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President in response to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, 8901 et seq.), or any other provision of law.

(G) REPORT.
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 prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. REPORT ON THE CAPABILITIES AND ACTIVITIES OF THE ISLAMIC STATE OF IRAQ AND SYRIA AND OTHER VIOLENT EXTREMIST GROUPS IN SOUTHEAST ASIA.

(a) Report Required.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Senate Joint Committee on Appropriations, the Senate Armed Services Committee, and the Senate Select Committee on Intelligence 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.

(b) Elements.—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 from fighting in the Middle East.

(3) The current resources available to combat the threat of the Islamic State of Iraq and Syria in Southeast Asia, and the additional resources required to combat that threat.

(4) A detailed assessment of the capabilities of the Islamic State of Iraq and Syria to operate effectively in areas such as the Philippines, Indonesia, and Malaysia.

(5) A description of the capabilities and resources of governments of countries in Southeast Asia to counter violent extremist groups.

(6) 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.

(c) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. REPORT ON PLANS RELATED TO DIVESTMENT OR TRANSFER OF C-21 AIRCRAFT.

(a) In General.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the elements described in subsection (b).

(b) Elements.—The report under subsection (a) shall include the following elements, reported by total cost and cost by fiscal year, with a detailed description and a justification:

(1) Whether the Air Force plans to modernize and recapitalize the operational support airlift fleet, including the C-21 fleet.

(2) Whether the Air Force has a C-21 consolidation plan, and if so, what cost savings the Air Force hopes to achieve, if any.

(3) Whether the Air Force has a C-21 divestment plan, and if so, what cost savings the Air Force hopes to achieve, if any.

(4) How the Air Force plans to continue to meet operational support airlift requirements, including support of United States Central Command and United States Transportation Command Joint Operational Airlift Center requirements.

(5) How the Air Force plans to fully utilize the reserve components to meet operational support and executive airlift requirements, especially given the pilot shortage.

(6) Whether the Air Force incorporates pilot training costs into its budget analysis for the transfer or divestment of reserve component aircraft and pilots.

(c) Definitions.—In this section:

(1) The term "leading cyber-threat actor" means a country identified as a leading threat actor in cyberspace in the report entitled "Worldwide Threat Assessment of the United States Intelligence Community" for 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.

(2) The term "closely linked", with respect to a foreign supplier, contractor, or subcontractor and a leading cyber-threat actor, means the foreign supplier, contractor, or subcontractor—

(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 supposition 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 prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. COMPROMISER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE CRITICAL TELECOMMUNICATIONS EQUIPMENT OR SERVICES OBTAINED FROM SUPPLIERS CLOSELY LINKED TO A FOREIGN GOVERNMENT.

(a) Report Required.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on any critical telecommunications equipment, technologies, or services obtained or used by the Department of Defense or its contractors or subcontractors that is—

(1) manufactured by a foreign supplier, or

(2) from an entity that incorporates or utilizes technology manufactured by a foreign supplier, contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor;

(b) Form.—The report shall be submitted in unclassified form, but may include a classified annex.
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 and the Comptroller General of the United States the matrices described in subsection (b) relating to the Robotic Servicing of Geosynchronous Satellites program.

(b) Matrices Described.—The matrices described in this subsection 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) Reliability.

(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 launch system 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 and component, which shall be subdivided over the entire development period and subdivided according to the costs of the following:

(A) spacecraft.

(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) ConOps:

(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); and

(B) concurrently with the submission of the budget for 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 towards the development identified in the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) Treatment of Initial Matrices as Baseline.—Each 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 section (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.

(1) taking into account:

(A) available fuel for possible national security mission requirements;

(B) orbitology relative to possible national security mission requirements; and

(C) compliance with the Presidential Decision Directive on National Space Policy; and

(d) certifying 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.

(f) Secretaries 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 latitude satellite 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.

(c) Prohibition on Termination.—No action may be taken to terminate the Board.

SA 563. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HINCHLCIFFE, and Mrs. MURRAY) 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. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) Compensation.—Section 206(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 end the following new paragraph:

"(4) for each of 6 days in connection with the taking by the member of a period of maternity leave.''

(b) Credit for Retired Pay Purposes.—

(1) In General.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member’s entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) Separate Credit for Each Period of Leave.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) When Credited.—Points credited to a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave commenced.

(4) Contribution of Leave Toward Entitlement to Retired Pay.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph (F):

"(F) Points at the rate of 12 a year for the taking of maternity leave.''

(5) Computation of Years of Service for Retired Pay.—Section 12733 of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''

(c) Effective Date.—This section and the amendments made by this section shall take effect on the date of the enactment of this title; and shall apply to periods of maternity leave that commence on or after that date.
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 477, 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 of this Act, the Secretary 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 SSTR 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. 638. DISPOSAL OF REAL PROPERTY FOR VETERANS SUPPORT SERVICES.—

(b) MEDAL AND COMMENDATIONS.—Any medal or commendation awarded pursuant to a program under subsection (a) shall be of such design, and include such elements, as the Secretary of the military department concerned shall specify.

(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the conduct of such programs and shall require that the Secretary of the military department concerned shall specify.

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. 639. REPORT ON USE OF SECOND-DESTINATION TRANSPORTATION TO TRANSPORT FRESH FRUIT AND VEGETABLES TO COMMISSARIES IN THE ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—In accordance with the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) and recommendations in the report of the Inspector General of the Department of Defense dated February 28, 2017, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the costs of using second-destination transportation (SDT) to transport fresh fruit and vegetables to commissaries in Asia and the Pacific in each of fiscal years 2015 through 2017.

(2) Recommendations for innovative, locally-sourced alternatives to use of second-destination transportation in order to supply fresh fruit and vegetables to commissaries in Asia and the Pacific.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than 120 days after the date of enactment of this Act.

SA 570. 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. 830. NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.

The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 606 (15 U.S.C. 1681c), by adding at the end the following:

(2) by adding at the end the following:

SEC. 831. AWARD OF MEDALS OR OTHER RECOGNITION TO VETERANS:—

(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 jurisdiction of such Secretary to recognize valor or meritorious achievement by such handlers and dogs.
that gave rise to the item occurred while the consumer was an active duty military consumer—

(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 Bureau shall prepare a model form, which shall be made publicly available, including in an electronic format, by or to a consumer reporting agency; or

(A) notify, and 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

(B) 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;

(iii) changing the terms of an existing credit arrangement with the consumer; or

(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 that the consumer was an active duty military consumer.

(2) in section 605A (15 U.S.C. 1681c–1)—

(A) in subsection (c)—

(i) by striking paragraphs (1), (2), and (3) as subparagraphs (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) by deleting at the end the following:

(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—

(1) notify, and provide appropriate proof to, the consumer;

(2) furnish negative information relating to the creditworthiness of the consumer to or by a consumer reporting agency; or

(3) except as otherwise provided in this title, a creditor or consumer reporting agency that the consumer was an active duty military consumer.

(B) if the consumer directs otherwise, the provision of information for the purpose of communicating with the consumer while the consumer is an active duty military consumer.

(4) sense of congress.—It is the sense of Congress that any person making use of a consumer reporting agency, in an item of adverse information 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.

(5) notice of dispute related to active duty military consumer.—If a consumer reporting agency receives an item of adverse information about a consumer that gives rise to the item occurred while the consumer was an active duty military consumer, the consumer reporting agency shall—

(a) include that fact in the file of the consumer; and

(b) indicate that fact in each consumer report that includes the disputed item.

section 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 and adjust military personnel strengths for such fiscal year, and for other purposes;

At the appropriate place, insert the following:

SEC. 571. 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 for a disability or illness described in paragraph (2) 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 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) $10,000 for 3 or more diseases described in paragraph (1)(B).

(c) award amounts related to claims by the municipality of vieques.—The Special Master shall provide to the Municipality of Vieques the following for a claim described in subsection (b)(2):

(A) An academic partner, with appropriate experience and an established relationship with the Municipality of Vieques, which shall—

(i) lead a research and outreach endeavor on behalf of the Municipality of Vieques;

(ii) select the appropriate scientific expertise and administer defined studies, conduct testing and evaluation of the soils, seas, plant and animal food sources and human health situation;

(iii) determine the most efficient and effective way to reduce the environmental toxins to a level sufficient to return the soils, seas, food sources and health circumstances to a
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 about the prevalence of toxic substances in the soil, food sources, and human populations.

(C) A medical coordinator and staff to upgrade the 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 care 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—

(1) all amounts to be incurred by the Municipality as a result of the enactment of this section; and

(2) 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.

(2) 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) PARTICIPATION BY FEDERAL AGENCIES.—

(1) The Department of Energy, to prescribe military construction, and 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. INTERAGENCY REPORT ON MENTAL HEALTH PRACTICES AND SERVICES.

(a) FINDINGS.—Congress finds the following:

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report on mental health practices and services of the Department of Defense and the Department of Veterans Affairs that could be adopted by Federal, State, local, and tribal law enforcement agencies.

(2) PUBLIC AVAILABILITY.—The Attorney General shall submit under subsection (a) (available to the public.

SA 574. Ms. HEITKAMP (for herself and Mr. SULLIVAN) 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. 1015. EXPANSION OF SKILLBRIDGE INITIATIVE TO INCLUDE PARTICIPATION BY FEDERAL AGENCIES.

(a) MODIFICATION OF INITIATIVE BY SECRETARY OF DEFENSE.—The Secretary of Defense, in consultation with the Director of the Office 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 as employers and trainers, including the provision of training by Federal agencies under the initiative to transitioning members of the Armed Forces.

(b) PARTICIPATION BY FEDERAL AGENCIES.—

The Director, in consultation with the Secretary of Defense, shall take such actions as may be necessary to ensure that each Federal agency participates in the SkillBridge initiative of the Department of Defense as described in subsection (a).
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. 2. OFFICE OF THE COORDINATOR FOR CYBER ISSUES.

(a) OFFICE OF THE COORDINATOR FOR CYBER ISSUES—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

(c)(1) Whenever developing plans and proposals for national infrastructure investment, that the President submits to Congress.

(b) R EPORT ON DEVELOPMENT OF FRAMEWORK.—The President shall consider the development of framework on voluntary norms and confidence building measures related to cyber issues, including a description of any alternative frameworks by other countries or international organizations.

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 paragraph (c) of title VI, add the following:

SEC. 3. CREDIT TOWARD COMPUTATION OF YEARS OF SERVICE FOR NONREGULAR MILITARY PERSONNEL TO ELIMINATE CRITERIA TOWARD COMPUTATION OF YEARS OF SERVICE FOR NONREGULAR MILITARY PERSONNEL TO ELIMINATE

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 E of title III, 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.—Congress 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.

(b) PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.

(b) PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.

(c) MATTES TO BE INCLUDED.—Such plan shall include consideration of actions that will enhance the United States and other Federal entities to prevent the introduction of invasive species to the United States Pacific region and to control such species in that 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. 1. PROHIBITION ON APPLICATION OF HIRING FREEZES AT DEPARTMENT OF DEFENSE INDUSTRIAL BASE FACILITIES.

(a) Definitions.—In this section, the term "depot-level maintenance and repair" has the meaning given in the term in section 2460 of title 10, United States Code.

(b) Prohibition.—No memorandum, Executive order, or other action by the President to prevent a Federal department or agency from appointing an individual to a vacant Federal civilian employee position, or creating a new Federal civilian employee position, 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—

(1) at which depot-level maintenance and repair is carried out; or

(2) that is designated under section 2474 of title 10, United States Code, as a Center of Industrial and Technical Excellence.

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. 3. 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 that codifies the 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. 4. 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, in consultation with the congressional defense committees, shall submit to the Congress 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. 5. SENSE OF CONGRESS REGARDING PACIFIC WAR MEMORIAL.

(a) Finding.—Congress recognizes 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 at a location on or near the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

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 subtitle D of title XII, add the following:

SEC. 6. ENHANCEMENT OF CYBER CAPABILITIES OF THE UNITED STATES AND PARTNERS IN THE NORTH ATLANTIC TREATY ORGANIZATION.

(a) Findings.—Congress makes the following findings:

(1) The North Atlantic Treaty Organization (commonly known as "NATO") remains a critical alliance for the United States and a cost-effective, flexible means of providing security to the most important allies of the United States.

(2) The regime of Russian President Vladimir Putin is actively working to erode democratic systems of NATO member states, including the United States.

(3) According to the report of the Office of the Director of National Intelligence dated January 6, 2017, on the Russian Federation's hack of the United States presidential election: "Russian efforts to influence the 2016 presidential election represent the most recent expression of Moscow's longstanding desire to undermine the US-led liberal democratic order."

(4) As recently as May 4, 2017, the press reported a massive cyber hack of French President Emmanuel Macron's campaign, likely attributable to Russian actors.

(b) Authority to Provide Technical Assistance.—The President, acting through the Secretary of Defense, is authorized to provide technical assistance to entities needed to improve the offensive cyber capabilities of the United States and partner nations, including North Atlantic Treaty Organization member states; and

(c) Statement of Principles.—A strategy developed under paragraph (1) shall include, at minimum—

(A) a description of enhancements that are needed to improve the offensive 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) Submission to Congress.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees the strategy developed under paragraph (1).

(4) Form of Submission.—The strategy submitted under paragraph (1) may be submitted in classified form.

(d) International Cooperation.—

(1) Authority to Provide Technical Assistance.—The President, acting through the Secretary of Defense, is authorized to provide technical assistance to North Atlantic Treaty Organization member states to assist such states in developing and enhancing offensive cyber capabilities.

(2) Technical Experts.—In providing technical assistance under paragraph (1), the President may act through the North Atlantic Treaty Organization Cooperative Cyber Center of Excellence, may detail technical experts in the field of cyber operations to North Atlantic Treaty Organization member states.

(3) Rule of Construction.—Nothing in this subsection shall be construed to preclude or limit the authorities of the President or the Secretary of Defense to provide cyber-related assistance to foreign countries, including the authority of the Secretary to provide technical assistance under section 333 of title 10, United States Code.

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

CONGRESSIONAL RECORD — SENATE
July 27, 2017
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 XII, add the following:

SEC. 1. LIMITATION ON SALE OR LICENSE FOR EXPORT OR SALE OF DEFENSE ARTICLES TO SAUDI ARABIA.

(a) In general.—The United States Government may not enter into an agreement to sell or license any defense article to the Government of Saudi Arabia, and may not make any sale or license of any defense article to the Government of Saudi Arabia pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), during fiscal year 2018 until 14 days after the date on which the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, submits to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification.

(b) Certification described.—A certification described in this subsection is a certification that affect the quality of the certification.

(1) The Comptroller General shall submit to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification.

(2) Definition.—A certification described in this subsection is a certification described in title II of the Geneva Conventions of 1949.

(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 whether the certification pursuant to subsection (a) is sufficiently detailed, and identifying any shortcomings, limitations, or other reportable factors that affect the quality of the certification.

(d) Definitions.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) 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 concurrent 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.

Subtitle B (B) of section 36B(d) 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 apply to taxable years ending after December 31, 2017.”

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 inserting before the period at the end the following:—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; in coordination with the Administrator of the United States Agency for International Development, submits to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification;”

(B) in paragraph (3)—

(A) by striking “$695” in subparagraph (A) and inserting “$2,5 percent” and inserting “Zero percent”, and

(B) by striking subparagraph (D).

(2) Effective date.—The amendments made by this paragraph shall 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 55R of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(j) Short-term assistance to address coverage and access disruption and provide support for states.—

“(1) Appropria—

(ii) such information as the Administrator may require to carry out this subsection.

(2) Participation requirements.—

(B) Guidance.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall issue guidance to health insurance issuers regarding how to submit a notice of intent to participate in the program established under this subsection.

(3) Notice of intent to participate.—To be eligible for funding for a calendar year, a health insurance issuer shall submit to the Administrator a notice of intent to participate at such time (but, in the case of funding for calendar year 2018, not later than 35 days after the date of enactment of this subsection and, in the case of funding for calendar year 2019, 2020, or 2021, not later than March 31 of the previous calendar year) and in such form and manner as specified by the Administrator and containing—

(i) a certification that the health insurance issuer will use the funds in accordance with the requirements of paragraph (5); and

(ii) such information as the Administrator may require to carry out this subsection.

(4) 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 be treated as only referring 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.

(5) DETERMINATION OF ALLOTMENT AMOUNTS.—

(A) CALENDAR YEAR 2020.—Amounts allotted to a State for a calendar year that 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

(II) the number of individuals in all States who, for calendar year 2020, 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 a State average per capita income of $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.

(IV) With respect to each State that, for calendar year 2017, 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.

(V) With respect to each State that, for calendar year 2017, 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 3.5 percent of the amount so appropriated.

(VI) With respect to each State that, for calendar year 2017, 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 3.5 percent of the amount so appropriated, divided by the number of such States.

(III)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)(5)) applicable to a family of the size involved.

(II) 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.

一级县人口在15人以下，每人平均$52,500，对每个州，从$52,500的州人均收入中减去1%。

(IV) With respect to each State that, for calendar year 2017, 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 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 2017, 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 3.5 percent of the amount so appropriated, divided by the number of such States.

(II) 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.

(III) With respect to each State that, for calendar year 2017, 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 3.5 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 who are not less than 45 and not more than 64 years old;

“(III) With respect to each State that, for calendar year 2025, had a State average per capita income that did not exceed $52,500, an amount equal to 39 percent of the amount so appropriated divided by the number of such States.

“(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 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 158 percent, of the poverty line (as defined in section 215(c)(5)) applicable to a family of the size involved;

“(VI) With respect to each State that, for calendar year 2025, had an average population density of greater than 79 individuals per square mile but fewer than 115 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 2025.—(Subject to subparagraph (A) and paragraph (1), for calendar year 2025, the amount determined under this paragraph for a State and year shall be equal to—

“(i) for calendar year before 2025—

“(II) 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;

“(ii) for calendar year 2025—

“the adjustment determined for the State under subsection (A) for the current calendar year, increased by

“(II) 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 2026 under paragraph (1) by the ratio of—

“(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 215(c)(5)) applicable to a family of the size involved;

“(III) the number of individuals in all States whose income for calendar year 2025 was not less than 64 years old; and

“(IV) the number of all 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; or

“(II) exceeds the mean low income per capita allotment amount (as defined in clause (iii)) that exceeds the mean low income per capita allotment amount for all States for the year by more than 10 percent or is below such mean amount by not less than 10 percent in such a manner that the low income per capita allotment for each such State (after the adjustment for purposes of this clause) is within 10 percent of such mean amount.

“(II) LOW INCOME PER CAPITA ALLOTMENT AMOUNT.—

“(I) IN GENERAL.—The term ‘low income per capita allotment amount’ means, with respect to a State and year and subject to adjustment under subparagraph (C), an amount determined by—

“(aa) the Secretary for the year, as an adjustment to be appropriate based on statistically and actuarially significant factors, which may include—

“(BB) variations in regional costs of care.

“(II) ADJUSTMENT FOR ADDITIONAL SIGNIFICANT FACTORS.—the amount determined for a State and year under subparagraph (B) or distribution under subparagraph (C) shall be increased by a percentage calculated by the Secretary to take into account—

“(aa) the population of individuals in the State, relative to other States;

“(bb) the mean per capita income of individuals under the State plan under clause (i)(VIII), (i), (XX), or (II)(XXIII) of section 1902(a)(10)(A) or is described in such a manner that the low income per capita allotment amount for such State (after the adjustment for purposes of this clause) is within 10 percent of such mean amount.

“(II) adjustment for other factors—subject to adjustment under subparagraph (C), the number 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

“(II) the amount of Federal payments made to the State for calendar year 2016 for 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) is not less than 15 percent below the mean low income per capita allotment amount for all States for the year by not less than 5 percent or greater than 5 percent.

“(II) FOR CALENDAR YEAR 2026.—For calendar year 2026, Secretary shall adjust the allotment for the year for each State with a low income per capita allotment amount (as defined in clause (iii)) that exceeds the mean low income per capita allotment amount for all States for the year by more than 10 percent.

“(I) 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 215(c)(5)) applicable to a family of the size involved;

“(ii) the number of all individuals in the State who are not less than 45 and not more than 64 years old; and

“(III) the number of all individuals in the State who are not less than 64 years old; over

“(I) the number of all individuals in the State who are not less than 45 and not more than 64 years old; or

“(II) exceeds the mean low income per capita allotment amount for all States for the year by not less than 15 percent, the State’s allotment for the year (as determined under subparagraph (C)) shall be reduced by a percentage calculated by the Secretary for the year, as an adjustment to be appropriate based on statistically and actuarially significant factors, which may include—

“(aa) the population of individuals in the State, relative to other States; and

“(cc) variations in regional costs of care.

“(IV) RULES OF APPLICATION.—

“(I) the amounts described in sub clauses (I) through (IV) of clause (I).
Congressional Record — Senate  July 27, 2017

S4544

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 population, the 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)(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 Administrator shall increase the allotments so determined and adjusted for States that have per capita allotment amounts 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 of the Internal Revenue Code of 1986, or a State with respect to which such clauses were under a waiver approved under section 1155 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)(A) for the year, an amount equal to the Federal percentage of the State's expenditures for the year.

"(B) STATE EXPENDITURES REQUIRED BEGINNING 2022.—For purposes of subparagraph (A), the Federal percentage is equal to 100 percent reduced by the State percentage for 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, 4 percent;

"(iv) in the case of calendar year 2023, 4 percent;

"(v) in the case of calendar year 2024, 5 percent;

"(vi) in the case of calendar year 2025, 5 percent; and

"(vii) in the case of calendar year 2026, 5 percent.

"(C) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—(1) 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 amounts to be paid to the State under this subsection by the Administrator.

"(2) 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) REIMBURSEMENT IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claiming as expenditures in the year expenditures that were incurred in a previous year.

"(E) EXEMPTIONS.—(2), (3), (5), (6), (8), (10), and (11) of subsection (c) do not apply to payments under this subparagraph.

"(F) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to years beginning after December 31, 2016.

"107. BETTER CARE RECONCILIATION IMPLEMENTATION FUND.—(a) IN GENERAL.—There is hereby established a Better Care Reconciliation Implementation Fund (referred to in this section as the 'Fund') within the Department of Health and Human Services to provide for Federal administrative expenses in carrying out this Act.

"(b) FUNDING.—There is appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000.

SEC. 108. REPEAL OF THE TAX ON EMPLOYER HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980H.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2019.

(c) SUBSEQUENT EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2021.

SEC. 109. REPEAL OF THE TAX ON OVER-THE-COUNTER MEDICATIONS.

(a) HSAS.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking ‘‘Such term’’ and all that follows through the period.

(b) ARCHER MSAS.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking ‘‘Such term’’ and all that follows through the period.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of the Internal Revenue Code of 1986 is amended by striking subsection (d) and inserting the following:

"(d) EFFECTIVE DATES.—

"(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by subsection (c) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2016.

"(2) REIMBURSEMENTS.—The amendment made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 110. REPEAL OF TAX ON HEALTH SAVINGS ACCOUNTS.

(a) HSAS.—Section 223(h)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ‘‘20 percent’’ and inserting ‘‘10 percent’’.

(b) ARCHER MSAS.—Section 223(h)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ‘‘20 percent’’ and inserting ‘‘15 percent’’.

SEC. 111. REPEAL OF MEDICAL DEVICE EXCISE TAX.

Section 4910 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsec-

"(d) APPLICABILITY.—The tax imposed under subsection (a) shall not apply to sales after December 31, 2017.

SEC. 112. REPEAL OF ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO PREVIOUSLY TAXED EARNINGS.

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:

"This section shall not be taken into account for purposes of determining whether any deduction is allowable with respect to any cost taken into account in determining such payment.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 113. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended—

"(1) by striking ‘‘and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual’’ in subparagraph (A) and inserting ‘‘or any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(c), determined without regard to subsection (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual who has not attained the age of 27 before the end of such individual’s taxable year’’;

"(2) by striking subparagraph (B) and inserting the following:

"(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.’’;

and

"(3) by striking ‘‘or’’ at the end of subparagraph (C)(ii), by striking the period at the end of subparagraph (C)(ii), and by adding at the end the following:

‘‘(iii) a high deductible health plan but only to the extent of the portion of such expense in excess of—

‘‘(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

‘‘(II) any amount allowable as a deduction under section 162(i) with respect to such coverage, or

‘‘(III) any amount excluded from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(c).’’

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 114. PRIMARY CARE ENHANCEMENT.

(a) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—Section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—An arrangement under which an individual is provided coverage restricted to primary care services in
exchange for a fixed periodic fee or payment for such services—

“(A) shall not be treated as a health plan for purposes of paragraph (1)(A)(i), and

(B) shall not be treated as insurance for purposes of subsection (d)(2)(B).”;

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

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) 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 on which the beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for qualified medical expenses, such amount 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. 118. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Section 223(c)(2)(D) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence:—

“The term ‘high deductible health plan’ shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than an 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 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 504(a), 1902(a)(25), 1903(a), 2001, 2005(a)(4), 2102(a)(7), or 2106(a)(1) of the Social Security Act (42 U.S.C. 301 et seq.)—

“(a) who is not entitled to, or enrolled for, Medicaid; or

(b) who is not pregnant;”.

(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. 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) (4), inserting “and each subsequent year”;

(2) in section 1915(b)(5), by striking the words ‘‘and each subsequent year’’; and

(3) in section 1915(a)(1), by inserting “and each subsequent year”;

(4) in section 1915(y)(1), by striking the words ‘‘and each subsequent year’’;

(5) in section 1915(b)(5), by striking the words ‘‘and each subsequent year’’; and

(6) in section 1915(a)(1), by inserting “and each subsequent year”.

SEC. 122. EXPANSION OF ELIGIBILITY CRITERIA.

(a) IN GENERAL.—The term ‘‘expansion enrollee’’ means an individual—

“(A) who is under 65 years of age; and

(B) who is not pregnant;

(2) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(3) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(4) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(5) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(6) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(7) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(8) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(9) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(10) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(11) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(12) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(13) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(14) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(15) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(16) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(17) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(18) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(19) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(20) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(21) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(22) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(23) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(24) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(25) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(26) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(27) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(28) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(29) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(30) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(31) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(32) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(33) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(34) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(35) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(36) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(37) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(38) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(39) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;

(40) in subparagraph (A)(ii), by striking the words ‘‘and each subsequent year’’; and

(41) in subparagraph (A)(i), by inserting ‘‘and each subsequent year’’;
"(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2101(c)(5)) applicable to a family of the size involved.

"(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(c)(2), or 1906(d)(15) to individuals described in clause (viii) of subsection (a)(10)(A) shall be deemed to include a reference to expansion enrollees.

"(3) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396d(w)(4)(C)) is amended by adding "and notwithstanding paragraph (h), in the case of a child who is 65 years of age or older who is eligible for medical assistance under the plan on the basis of being blind or disabled, in or after the third month before such month"

"(4) FEDERAL AVERAGE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term "Federal average medical assistance expenditures" means, for a State for a fiscal year, the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State and fiscal year, in addition to any other amount.

SEC. 123. PROVIDER TAXES. Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396d(w)(4)(C)) is amended by adding at the end the following:

"(I) For purposes of clause (i), a determination of the existence of an indirect guarantee shall be made under paragraph (3)(C) of section 1902(a) of the Social Security Act (42 U.S.C. 1396a).

"(J) For purposes of clause (d)(1), the term "Excess aggregate medical assistance expenditures" for a State for a fiscal year means—

sec. 124. OPTIONAL WORK REQUIREMENT FOR NONDISABLED, NONELDERLY, NONPREGNANT INDIVIDUALS.

(a) In general.—(1) IN GENERAL.—Beginning October 1, 2017, the term "disability" means the term "disability" as defined in section 122 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(b) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396d(w)(4)(C)) is amended by adding "and notwithstanding paragraph (h), in the case of a child who is 65 years of age or older who is eligible for medical assistance under the plan on the basis of being blind or disabled, in or after the third month before such month"

"(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 administering a work requirement under this subsection may make provision for the following:

"(A) a woman during pregnancy through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) 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;

"(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 that is equivalent; or

"(ii) participates in education directly related to employment;

"(E) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903 of the Social Security Act (42 U.S.C. 1396c) is amended by adding at the end the following:

"(a) ELIGIBILITY DETERMINATIONS.—In this subsection, the term "Federal matching percentage" means—

"(I) the amount of the Federal payments attributable to State expenditures for the fiscal year, the amount (if any) by which—

"(ii) the amount of the target total medical assistance expenditures (as defined in subsection (b)(1)) for the State and fiscal year, exceeds

"(iii) the amount of the target total medical assistance expenditures (as defined in subsection (c)) for the State and fiscal year.

"(F) FEDERAL AVERAGE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term "Federal average medical assistance expenditures" means, for a State for a fiscal year, the amount (if any) by which—

"(I) the amount of the target total medical assistance expenditures (as defined in subsection (b)(1)) for the State and fiscal year, exceeds

"(ii) the amount of the target total medical assistance expenditures (as defined in subsection (c)) for the State and fiscal year.

"(G) FEDERAL AVERAGE MEDICAL ASSISTANCE MATCHING PERCENTAGE.—In this subsection, the term "Federal average medical assistance matching percentage" means, for a State for a fiscal year, the ratio (expressed as a percentage) of—

"(a) the amount of the Federal payments that would be made to the State under section 1903(a)(1) for medical assistance expenditures for the fiscal year if paragraph (1) did not apply; to

"(b) the amount of the medical assistance expenditures for the State and fiscal year.

"(H) ELIGIBILITY DETERMINATIONS.—In this subsection, 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.

"(B) MAXIMUM AMOUNT OF ADJUSTMENT.—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 expenditures for 1903A enrollees in areas of the State which are subject to a declaration 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.

"(C) AGRARIAN 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 $5,000,000,000.

"(D) REVIEW.—If the Secretary exercises the authority under this paragraph with respect to a State for a fiscal year or portion of a fiscal year, the Secretary shall, not later than 6 months after the declaration described in subparagraph (A)(i) ceases to be in effect, conduct an audit of the State's medical assistance expenditures for 1903A enrollees during the year or portion of a year to ensure that all of the expenditures so excluded were made for the purpose of ensuring that the health care needs of 1903A enrollees in areas affected by a public health emergency are met.

Title Total Medical Assistance Expenditures.—

"(1) CALCULATION.—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 described 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 number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4).

"(2) Target Per Capita Medical Assistance Expenditures.—In this subsection, the term 'target per capita medical assistance expenditures' means, for a 1903A enrollee category and State—

"(A) for fiscal year 2020, an amount equal to—

"(i) the provisional FY19 target per capita amount for such enrollee category (as calculated under subsection (d)(5)) for the State; increased by

"(ii) the applicable annual inflation factor (as defined in paragraph (5)) for fiscal year 2020; and

"(B) for each succeeding fiscal year, an amount equal to—

"(i) the target, per capita medical assistance expenditures (under subparagraph (A) of this paragraph) for the 1903A enrollee category and State for the preceding fiscal year, increased by

"(ii) the applicable annual inflation factor for that succeeding fiscal year.

"(3) APPLICABLE ANNUAL INFLATION FACTOR.—In paragraph (2), the term 'applicable annual inflation factor' means—

"(A) for fiscal years before 2025—

"(B) for each of the 1903A enrollee categories described in subparagraphs (A), (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 preceding fiscal year to September of the fiscal year involved; and

(3) the difference of each 1903A enrollee category described in subparagraphs (A) and (B) of subsection (e)(2), the percentage increase in the consumer price index for all urban consumers (as defined in paragraph (D)) for a fiscal year, and if the Secretary

in subsection (b)(1)) for the State for the State's per capita medical assistance expenditures for the category and fiscal year under this paragraph

subject to subparagraph (C)(i)) in accordance with this paragraph.

shall apply the following:

(A) the average per capita medical assistance expenditures for the State for the State's per capita base period equal to—

(i) the amount calculated under subparagraph (A); and

(ii) the number calculated under subparagraph (B).

(2) FISCAL YEAR 2019 AVERAGE PER CAPITA AMOUNT OF MEDICAL ASSISTANCE EXPENDITURES PER CAPITA BASE PERIOD AMOUNT TO 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 (1)(A), increased by

(B) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) for the month of the State's per capita base period to September of fiscal year 2019.

(3) AVERAGE AND AVERAGE EXPENDITURES PER CAPITA FOR FISCAL YEAR 2019—The Secretary shall calculate for each State the following:

(A) the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019 for individuals in the enrollee category other than the enrollee category equal to the average medical assistance expenditures per capita for the State for fiscal year 2019 (as calculated under subparagraph (A)(iv) for such enrollee category) multiplied by the ratio of—

(A) the product of—

(A) the amount of such payments for the State and the total amount of such expenditures and the total amount of all medical assistance expenditures for the State and category for a succeeding year under paragraph (2).

(c) APPLICATION FOR FISCAL YEARS 2020 AND 2021—Section (e) of subsection (e) of section 1903 of title 42 (as determined under subsection (e)(4)).

(3) CATEGORY OF MEDICAL ASSISTANCE EXPENDITURES—The term 'categorical medical assistance expenditures' means, with respect to a State, fiscal year, and enrollee category, an amount equal to—

(i) the number of 1901A enrollees for the State, category, and year; divided by

(ii) the number calculated under subparagraph (B).

(4) PER CAPITA EXPENDITURES FOR FISCAL YEAR 2019 FOR EACH 1903A ENROLLEE CATEGORY—(Subject to paragraph (e)(4), the Secretary shall provide notice to each State not later than April 1, 2018, of the following:

(A) the amount calculated under subparagraph (A); and

(B) the number of 1903A enrollees for the State in fiscal year 2019.

(2) PROVISIONAL FY19 PROVISIONAL TARGET AMOUNT FOR EACH 1903A ENROLLEE CATEGORY—For each State the Secretary shall calculate (and provide notice to the State not later than January 1, 2020, of) the following:

(A) the average per capita medical assistance expenditures per capita for the State for the State's per capita base period to September of fiscal year

(B) the number of 1903A enrollees for the State in fiscal year

(C) the amount of such expenditures and the total amount of all medical assistance expenditures for the State and category for a succeeding year under paragraph (2).

(2) For each 1903A enrollee category, the number of 1903A enrollees for the State in fiscal year 2019 in the enrollee category (as determined under subsection (e)(4)).

(ii) the number calculated under subparagraph (B).

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) An expenditure described in this clause is an expenditure those expenditures attributable to expenditures described in clause (iii) or non-DSH supplemental expenditures (as defined in clause (i)) to the provider under the State plan (or under a waiver of the plan) that

(iv) complies with the limits for additional expenditures as defined in subparagraph (A)(ii) and adjusted under subparagraph (E) for the State for the period to

(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021—For each State the Secretary shall calculate (and provide notice to each State not later than April 1, 2018, of) the following:

(A) the average per capita medical assistance expenditures for the State for the State's per capita base period equal to—

(i) the amount calculated under subparagraph (A); and

(ii) the number calculated under subparagraph (B).

(2) FISCAL YEAR 2019 AVERAGE PER CAPITA AMOUNT OF MEDICAL ASSISTANCE EXPENDITURES PER CAPITA BASE PERIOD AMOUNT TO 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 (1)(A), increased by

(B) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) for the month of the State's per capita base period to September of fiscal year 2019.

(3) AVERAGE AND AVERAGE EXPENDITURES PER CAPITA FOR FISCAL YEAR 2019—The Secretary shall calculate for each State the following:

(A) the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019 for individuals in the enrollee category other than the enrollee category equal to the average medical assistance expenditures per capita for the State for fiscal year 2019 (as calculated under subparagraph (A)(iv) for such enrollee category) multiplied by the ratio of—

(A) the product of—

(2) For each 1903A enrollee category, the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019 for individuals in the enrollee category calculated by excluding from medical assistance expenditures those expenditures attributable to expenditures described in clause (iii) or non-DSH supplemental expenditures (as defined in clause (i)) to the provider under the State plan (or under a waiver of the plan) that

(i) is not made under section 1922;

(ii) is not made with respect to a specific item or service for an individual;

(iii) is in addition to payments made to the provider under the plan (or waiver) for any such item or service; and

(iv) complies with the limits for additional expenditures as defined in subparagraph (A)(ii) and adjusted under subparagraph (E) for the State for the period to

(ii) the number calculated under subparagraph (B) for the State for the enrollee category.

(2) For fiscal years after 2024, for all 1903A enrollee categories, the percentage increase from September of the previous fiscal year to September of the fiscal year involved.

(3) APPLICATION FOR FISCAL YEARS 2019 AND 2020—Subject to subsection (e)(4), the Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.

(iii) The Secretary shall apply this paragraph by deeming all categories of 1903A enrollees in the category.
(i) 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 in fiscal year 2019, as calculated under paragraph (3)(A).

(b) Required Reporting and Auditing; Transitional Increase in Federal Matching Percentage for Certain Administrative Expenses.—

(1) A State that elects to participate in the demonstration project shall submit to the Secretary, at such time and in such manner as the Secretary shall require, an application that includes—

(i) an assurance that any HBCS payment adjustment made by the State under this subsection will comply with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A); and

(ii) such other information and assurances as the Secretary shall require.

(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 shall require, an application that includes—

(i) an assurance that any HBCS payment adjustment made by the State under this subsection will comply with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A); and

(ii) such other information and assurances as the Secretary shall require.

(B) Selection.—The Secretary shall select States to participate in the demonstration project on a competitive basis. The Secretary, in making selections as to any State, shall give priority to States with the highest per capita payment limit for a given fiscal year, as determined by the Secretary, and the Secretary shall consult with the Inspector General of the Department of Health and Human Services regarding such priorities.

(3) Temporary Increase in Federal Matching Percentage to Support Improved Data Reporting Systems for Fiscal Years 2018 and 2019.—In the case of any State that elects as its per capita base period the most recent 8 consecutive quarter periods for which the data necessary to make the determinations required under this subsection is available, for amounts expended during calendar quarters ending 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 percent; and

(B) the Federal matching percentage applied under section 1903(a)(3)(B) shall be increased by 25 percentage points to 100 percent.

(4) HHS Report on T-MSIS Data.—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 the CMS–64 report data for purposes of making the determinations necessary under this section.

(b) Medicaid Enrollees.—The term "Medicaid enrollee" means, with respect to a State, each individual who—

(i) is a child under 19 years of age; and

(ii) is eligible for medical assistance under this title only on the basis of the的因素 category described in subsection (e)(2)(D) as of July 1, 2016, but which subsequently provides for such assistance for such category, the provisions of section 1915, or another provision of this title, this section shall apply to medical assistance expenditures and medical assistance enrollees in the same manner as if such expenditures and payments had been made under a State plan under this title and the limitations on expenditures and enrollees in subsection (i)(1)(B) would not apply.

(ii) is eligible for medical assistance for any other payment limitations or provisions (including limitations based on a per capita limitation) otherwise applicable under such a waiver.

(iii) are eligible for medical assistance under this title only on the basis of any other payment limitations or provisions otherwise applicable under such a waiver.

(3) In case of State Failure to Report Necessary Data.—If a State or the Secretary determines that a State (or a State plan approved under section 1115, or another provision of this title) fails to satisfactorily submit data on medical assistance expenditures calculated under subsection (e)(2)(D) as of July 1, 2016, and after that date, the Secretary shall give priority to any State that is one of the 15 States in the United States with the lowest population density, as determined by the Secretary based on data from the Bureau of the Census.

(b) Required Reporting and Auditing; Transitional Increase in Federal Matching Percentage for Certain Administrative Expenses.—

The Secretary shall conduct for each fiscal year an audit of CMS–64 report data for the number of individuals and expenditures reported through the CMS–64 report for the State’s per capita base period for fiscal year 2019, and each subsequent fiscal year, which audit may be conducted on a representative sample (as determined by the Secretary).

(2) Auditing of State Spending.—The Inspector General of the Department of Health and Human Services shall conduct an audit (which shall be conducted using random sampling methods, as determined by the Secretary) of (General) of each State’s spending under this section not less than once every 5 years.

(c) Ensuring Access to Home and Community-Based Services.—

(1) In General.—The Secretary shall establish a demonstration project (referred to in this section as the "demonstration project") under which eligible States may make HCBS payment adjustments for the purpose of continuing to provide and improve the eligibility of home and community-based services provided under a waiver under subsection (c) or (d) or a State plan amendment under subsection (i).

(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 shall require, an application that includes—

(i) an assurance that any HCBS payment adjustment made by the State under this subsection will comply with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A); and

(ii) such other information and assurances as the Secretary shall require.

(3) Medicaid Enrollees.—The term "Medicaid enrollee" means, with respect to a State, each individual who—

(i) is a child under 19 years of age; and

(ii) is eligible for medical assistance under this title only on the basis of any other payment limitations or provisions otherwise applicable under such a waiver.

(iii) are eligible for medical assistance under this title only on the basis of any other payment limitations or provisions otherwise applicable under such a waiver.

(B) the growth factor otherwise applied under subsection (c)(2)(B) shall be decreased by 1 percentage point.

(4) HHS Report on T-MSIS Data.—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 the CMS–64 report data for purposes of making the determinations necessary under this section.

(c) Ensuring Access to Home and Community-Based Services.—

(1) In General.—The Secretary shall establish a demonstration project (referred to in this section as the "demonstration project") under which eligible States may make HCBS payment adjustments for the purpose of continuing to provide and improve the eligibility of home and community-based services provided under a waiver under subsection (c) or (d) or a State plan amendment under subsection (i).

(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 shall require, an application that includes—

(i) an assurance that any HCBS payment adjustment made by the State under this subsection will comply with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A); and

(ii) such other information and assurances as the Secretary shall require.
"(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) LIMITATION AND ALLOTMENT.—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 HCBS 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 HCBS payment adjustments shall be equal to (and shall in no case exceed) 100 percent.

"(c) CONVERTER AND ALLOTMENT LIMITATIONS.—Payment under section 1903(a) shall not be made to an eligible State for expenditures for a year that are attributable to an HCBS payment adjustment made to the provider or

"(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 that provider;

"(ii) to the extent that the aggregate amount of HCBS payment adjustments made by the State in the year exceeds the amount allotted 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 subsection (c)(2)(A).

"(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); and

"(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 amendment under subsection (i) 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 State’s Medicaid Flexibility Program, the State shall receive, instead of amounts otherwise payable to the State under this title for medical assistance for program enrollees, the amount specified in paragraph (3)(A).

"(C) AMOUNT OF BLOCK GRANT FUNDS.—

"(a) IN GENERAL.—A State may 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 without making such application publicly available for a 30 day notice and comment period.

"(c) TIMELINE FOR SUBMISSION.—

"(1) IN GENERAL.—For each fiscal year during which a State is conducting a Medicaid Flexibility Program, the Secretary shall determine amounts payable to the State under this title for medical assistance instead of amounts otherwise payable to the State under this title for medical assistance for program enrollees, the amount specified in paragraph (3)(A).

"(D) ENROLLEE CATEGORY AMOUNTS.—

"(1) FOR INITIAL YEAR.—Subject to subparagraph (C), for the first fiscal year in which a 1903A enrollee category is included in an applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the amount determined under this subparagraph for the State, year, and category 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.

"(2) FOR ANY SUBSEQUENT YEAR.—For any fiscal year that is not the first fiscal year in which a 1903A enrollee category is included in an 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 provided by 42 U.S.C. 1396a, is further amended by inserting after section 1903A the following new section:

SEC. 1903B. MEDICAID FLEXIBILITY PROGRAM.

"(a) IN GENERAL.—Beginning with fiscal year 2020, any State (as defined in subsection (e)) that has an application approved by the Secretary for a Medicaid Flexibility Program to provide targeted health assistance to program enrollees shall:

"(b) STATE APPLICATION.—

"(i) LIMITATION.—To be eligible to conduct a Medicaid Flexibility Program, a State shall submit an application to the Secretary that meets the requirements of this subsection.

"(ii) CONTENTS OF APPLICATION.—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 provided to program enrollees in the State, and the extent to which the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

"(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 Federal Medical Assistance Program Information System (T–MSIS);

"(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 1129B(d); and

"(iv) submit such additional data and information not described in any of the preceding clauses of this subparagraph but which the Secretary determines is necessary for monitoring, evaluation, or program integrity purposes, including—

"(I) surveys and data from Consumer Assessment of Healthcare Providers and Systems (CAHPS) surveys;

"(II) birth certificate data, and

"(III) claims data for quality measurements which may not be present in a claim, such as laboratory data, body mass index, and blood pressure; and

"(v) on an annual basis, conduct a report evaluating the program and make such report available to the public.

"(G) An information technology systems plan demonstrating that the State has the capability to support the technological administration of the program and comply with reporting requirements under this section.

"(H) A statement of the goals of the proposed program, which shall include—

"(i) goals related to quality, access, rate of growth, targeted outcomes;

"(ii) a plan for monitoring and evaluating the program to determine whether such goals are being met; and

"(iii) a proposed process for the State, in consultation with the Centers for Medicare & Medicaid Services, to take remedial action to make progress on unmet goals.

"(i) Such other information as the Secretary may require.

"(ii) STATE NOTICE AND COMMENT PERIOD.—

"(A) IN GENERAL.—Before submitting an application under this subsection, a State shall make the application publicly available for a 30 day notice and comment period.

"(B) NOTICE AND COMMENT PROCESS.—During the notice and comment period described in subparagraph (A), the State shall provide opportunities for a meaningful level of public input, which shall include public hearings on the proposed Medicaid Flexibility Program.

"(C) FEDERAL NOTICE AND COMMENT PERIOD.—The Secretary shall not approve of any application to conduct a Medicaid Flexibility Program without making such application publicly available for a 30 day notice and comment period.

"(D) TIMELINE FOR SUBMISSION.—

"(1) IN GENERAL.—A State may 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).

"(2) DEADLINES.—Each year beginning with 2019, the Secretary shall specify a deadline for submitting an application under this subsection to conduct a Medicaid Flexibility Program without making such application publicly available for a 30 day notice and comment period.

"(E) CONSULTATION.—

"(1) REQUIREMENT.—Beginning with fiscal year 2020, each State that submits an application under this subsection to conduct a Medicaid Flexibility Program shall consult with the Centers for Medicare & Medicaid Services, to take remedial action to make progress on unmet goals.

"(2) OTHER RELEVANT INFORMATION.—Each State that submits an application under this subsection shall provide other relevant information to the Centers for Medicare & Medicaid Services, to take remedial action to make progress on unmet goals.

"(3) TIME LIMITATIONS.—

"(A) LIMITATION.—The block grant amount determined for a State and fiscal year under this subsection shall be equal to the sum of the amounts determined under subparagraph (B) for each 1903A enrollee category within the applicable program enrollee category for the State and year.

"(B) ENROLLEE CATEGORY AMOUNTS.—

"(1) FOR INITIAL YEAR.—Subject to subparagraph (C), for the first fiscal year in which a 1903A enrollee category is included in an applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the amount determined under this subparagraph for the State, year, and category 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.

"(2) FOR ANY SUBSEQUENT YEAR.—For any fiscal year that is not the first fiscal year in which a 1903A enrollee category is included in an 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
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 for 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 ENROLLERS FOR PURPOSES OF BLOCK GRANT CALCULATION.—

"(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 in any fiscal 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 ENROLLERS.—The term "adjusted number of base period enrollees" means, with respect to a State and 1903A enrollee category, the number of enrollees resulting from the application of the Federal average medical assistance percentage for the State for the year involved (as 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 block grant 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 1903(a)(4)) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year involved, plus 3 percentage points.

"(B) STATE MAINTENANCE OF EFFORT EXPENDITURES.—For each year during which a State is conducting a Medicaid Flexibility Program under this section, the State shall make expenditures for targeted health assistance under the program in an amount equal to the product of—

"(i) the block grant amount determined for the State for the fiscal year 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 1903(a)(4)) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year involved; and

"(ii) the enhanced FMAP described in the first sentence of section 2105(b) for the State and year.

"(C) REDUCTION IN BLOCK GRANT AMOUNT FOR STATES FAILING TO MEET MORE REQUIREMENT.—

"(1) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that makes expenditures for targeted health assistance under the program for a fiscal year in an amount that is less than the required amount for the fiscal year under subparagraph (B), the amount of the block grant determined for the State under paragraph (2) for the succeeding fiscal year shall be reduced by the amount by which such expenditures are less than such required amount.

"(2) DISREGARD OF REDUCTION.—For purposes of determining the amount of a State block grant amount for the first fiscal year involved under this subparagraph (B), the reduction amount determined for the State and succeeding fiscal year under clause (i) shall be treated as an overpayment under this section.

"(D) REDUCTION FOR NONCOMPLIANCE.—If the Secretary determines that a State conducting a Medicaid Flexibility Program is not complying 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 determines appropriate.

"(E) ADDITIONAL FLEXIBILITY PAYMENTS DURING PUBLIC HEALTH EMERGENCY.—

"(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 fiscal year, the Secretary may make an additional payment to such State equal to the Federal average medical assistance percentage (as defined in section 1903(a)(4)) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year involved, plus 3 percentage points.

"(2) MAXIMUM AMOUNT OF ADDITIONAL PAYMENT.—The amount determined for a State and fiscal year or portion of a fiscal year under this subparagraph shall not exceed the Federal average medical assistance percentage (as defined in section 1903(a)(4)) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year involved, plus 3 percentage points.

"(3) FEDERAL PAYMENT AND STATE MAINTENANCE OF EFFORT.—

"(A) FEDERAL PAYMENT.—Subject to subparagraph (B), the reduction amount determined for the State under paragraph (2) for the fiscal year involved during which no such declaration was in effect.

"(B) STATE MAINTENANCE OF EFFORT EXPENDITURES.—For each fiscal year for which the determination of income was made for the purpose of ensuring that the program must provide for eligibility under this title, except that such limitations shall be applied as if the State had never conducted a Medicaid Flexibility Program.

"(4) PROVISION OF TARGETED HEALTH ASSISTANCE.—

"(A) IN GENERAL.—A State Medicaid Flexibility Program shall provide targeted health assistance to program enrollees and such assistance shall be instead of medical assistance which would otherwise be required to program enrollees under this title.

"(B) CONDITIONS FOR ELIGIBILITY.—

"(i) IN GENERAL.—A State conducting a Medicaid Flexibility Program shall establish and conform to the eligibility criteria for program enrollees, which shall be instead of other conditions for eligibility under this title, except that the program must provide for eligibility under this title to program enrollees to whom the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

"(ii) MAGIC.—Any determination of income necessary to establish the eligibility of a program enrollee for purposes of a State Medicaid Flexibility Program shall be made using modified adjusted gross income in accordance with section 1902(e)(14).

"(4) BENEFITS AND SERVICES.—

"(A) REQUIRED SERVICES.—In the case of program enrollees to whom the State would otherwise be required to make medical assistance available under section...
(45x479)Flexibility Program.

(ii) Laboratory and X-ray services.

(iii) Nursing facility services for individuals aged 65 or older.

(iv) Physician services.

(v) Home health care services (including home nursing services, medical supplies, equipment, and appliances).

(vi) Rural health clinic services (as defined in section 1905(l)(1)).

(vii) Federally-qualified health center services (as defined in section 1905(l)(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(l)(3)).

(xii) Emergency medical transportation.

(xiii) Non-cosmetic dental services.

(xiv) Pregnancy-related services, including payments for the 12-week period 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) Optional 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 described in subparagraph (b)(1) of section 1907 or benchmark-equivalent coverage described in subparagraph (b)(2) 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 that may be additional to certain program enrollees under subparagraph (A) except as otherwise provided under such section.

(iii) MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE AND PARITY.—The targeted health assistance provided by a State to any group of program enrollees 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 any group of 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 rebates applicable to medical assistance for covered outpatient drugs under a State plan (including the requirement that the rebates be paid to a manufacturer) shall apply in the same manner to targeted health assistance for covered outpatient drugs under a Medicaid Flexibility Program.

(v) COST 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 such charges imposed with respect to all program enrollees in fiscal years in any fiscal year does not exceed 5 percent of the family’s income for the year involved.

(vi) ADMINISTRATION OF PROGRAM.—Each State conducting a Medicaid Flexibility Program shall have a single agency responsible for administering the program.

(vii) 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.

(viii) MEDICAL LOSS RATIO PROTECTIONS.—Establish a fair process (which the State shall describe in the application submitted under subsection (b)) for individuals to appeal adverse eligibility determinations with respect to the program.

(ix) APPLICATION OF REST OF TITLE XIX.—

(A) IN GENERAL.—To the extent that a provision of title XIX, or a provision of another title inconsistent with another provision of this title, the provision of such section shall apply.

(B) APPLICATION OF SECTION 1903A.—With respect to a State that is 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 of such plan, such waiver or amendment shall apply with respect to the program, targeted health assistance provided under the program, or program enrollees.

(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 that is conducting a Medicaid Flexibility Program and that terminates its program under subsection (d)(2)(B), any waiver or amendment which was limited pursuant to subparagraph (A) shall cease to be so limited effective with 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 title (except for this section and as otherwise provided by this section) that the Secretary deems appropriate, shall not apply.

(D) 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 by the State for the period in its application under section 1903A(e)(2).

(A) 2 ENROLLEE CATEGORIES.—Both of the 1903A enrollee categories described in subparagraphs (D) and (E) of section 1903A(e)(2).

(B) EXPANSION ENROLLEES.—The 1903A enrollee category described in subparagraph (D) of section 1903A(e)(2).

(C) NONELDERLY, NONDISABLED, NONEMPANZLED INDIVIDUALS.—The nonelderly, nondisabled, nonemployed category of beneficiaries described in subparagraph (E) of section 1903A(e)(2).

(2) MEDICAID FLEXIBILITY PROGRAM.—The term ‘Medicaid Flexibility Program’ means a program for providing targeted health assistance to program enrollees funded by a block grant under this section.

(3) PROGRAM ENROLLEE.—

(A) IN GENERAL.—The term ‘program enrollee’ means, with respect to a State that is conducting a Medicaid Flexibility Program for a program period, an individual who is a 1903A enrollee (as defined in section 1903A(a)(1)) who is in the applicable program enrollee category specified by the State for the period.

(B) RULE OF CONSTRUCTION.—For purposes of this section, a Medicaid Flexibility Program shall be deemed to be eligible and enrollment under a State plan (or waiver of such plan) for each fiscal year does not cease.

(4) PROGRAM PERIOD.—The term ‘program period’ means, with respect to a State Medicaid Flexibility Program, a period of 5 consecutive fiscal years that begins with either:

(A) the first fiscal year in which the State conducts the program; or

(B) the fiscal year in which the State conducts such a program that begins after the end of a previous program period.

(5) STATE.—The term ‘State’ means one of the 50 States or the District of Columbia.

(6) TARGETED HEALTH ASSISTANCE.—The term ‘targeted health assistance’ means assistance for health-care-related items and services for program enrollees.

SEC. 128. MEDICAID AND CHIP QUALITY PERFORMANCE BONUS PAYMENTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396d), as previously amended, is further amended by adding at the end the following new subsection:

QUALITY PERFORMANCE BONUS PAYMENTS.—

(1) 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’), that

(A) equals 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

(B) submits to the Secretary, in accordance with such manner and format as specified by the Secretary and for the performance period (as defined by the Secretary) for such fiscal year—

(i) information on the applicable quality measures identified under paragraph (3) with respect to each of such fiscal years, 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 under a waiver of such plan, or to fund quality improvement, 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.

(2) ALLLOTMENT DETERMINATION.—The Secretary shall establish a formula for computing State allotments under this subsection, with respect to each of fiscal years 2023 through 2026, as determined by the Secretary.
such State for the performance period (as defined by the Secretary) for such fiscal year; and

(1) is a qualified sponsor and receives certification by the Secretary;

(2) is organized and maintained in good faith, with a constitution or bylaws specifically providing for periodic meetings on at least an annual basis;

(3) is established as a permanent entity;

(4) is existed for the purpose of 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. 502. FILING FEE AND CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.]

(a) FILING FEE.—A small business health plan shall pay to the Secretary 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 as a sponsor of an application that includes the information described in paragraph (2);

(B) may provide for continued certification of small business health plans under this part;

(C) shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved fails to comply with the requirements of this part;

(D) shall conduct oversight of certified plan sponsors, including periodic review, and consistent with section 504, applying the requirements of sections 518, 519, and 520; and

(E) will consult with a State with respect to a small business health plan domiciled in such State regarding the Secretary’s authority under this part and other enforcement authority under sections 502 and 504.

[SEC. 129. OPTIONAL ASSISTANCE FOR CERTAIN INPATIENT PSYCHIATRIC SERVICES.]

(a) STATE OPTION.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(i) by striking “and” and inserting “and (B)”;

(ii) by inserting before the semicolon at the end the following: “or a mental health unit of a hospital under this subsection;”;

(iii) by inserting “and (C)” after “at least”, and after such subsection; and

(iv) by inserting “or a mental health unit of a hospital under this subsection;” after “in such subsection.”;

(2) in subsection (b)(3), by striking “and” and inserting “and (B)”;

(3) in subsection (c)(1), by inserting “including a mental health unit of a hospital under” before “in such subsection.”;

(4) in subsection (c)(5), by inserting “or a mental health unit of a hospital under” before “in such subsection.”;

(5) in subsection (c)(9), by inserting “or a mental health unit of a hospital under” before “in such subsection.”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified inpatient psychiatric hospital services furnished on or after October 1, 1997.

[SEC. 130. ENHANCED FMAP FOR MEDICAL ASSISTANCE EXPENDITURES.]

SEC. 130. ENHANCED FMAP FOR MEDICAL ASSISTANCE EXPENDITURES. In this section, the following definitions shall apply:

(a) Tax Treatment of Small Business Health Plans.—A small business health plan (as defined in section 501(a) of the Employee Retirement Income Security Act of 1974) shall be treated as a small business health plan for purposes of the Internal Revenue Code of 1986.

(b) Reporting.—Each employer with a small business health plan shall annually report to the Secretary the following:

(1) The number of individuals who are members of the small business health plan.

(2) The aggregate medical assistance expenditures of the small business health plan.

(3) The aggregate medical assistance expenditures of the small business health plan that are not otherwise covered.

(4) OTHER INFORMATION.—The Secretary may require the reporting of other information that the Secretary determines is necessary.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.
(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 applying small business health plan sponsor shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

(2) LIABILITY OF SECRETARY.—If the Secretary assess a penalty against the board of trustees, plan administrator, and plan sponsor (jointly and severally) of a small business health plan sponsor, any certified application (paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan was willfully or with gross negligence incomplete or inaccurate.

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, under the terms of the plan—

(A) each participating employer must be

(A) a member of the sponsor; and

(B) the sponsor; or

(C) an affiliated member of the sponsor, except that an affiliated member of the sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, if any, and 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 (as so construed) as 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 eligible employer for the plan, if—

(A) the plan under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan; and

(B) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate.

SEC. 804. DEFINITIONS; RENEWAL.

For purposes of this part—

(1) AFFILIATED MEMBER.—The term ‘affiliated member’ means, in connection with a—

(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

(B) in the case of a sponsor with members which consist of associations, a person who is a member of any such association and elects an affiliated status with the sponsor.

(2) APPLICABLE STATE AUTHORITY.—The term ‘applicable State authority’ means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

(3) FRANCHISOR; FRANCHISEE.—The terms ‘franchisor’ and ‘franchisee’ have the meanings given to such terms in section 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this Act) for purposes of this part. In the case of a franchisee participating in such a health plan, such franchisee shall not be treated as the employer, the employer of the employee of such franchisee of any other participating franchisor or franchisee employer for any purpose.

(4) HEALTH PLAN TERMS.—The terms ‘group health plan’, ‘health insurance coverage’, and ‘health insurance issuer’ have the meanings given such terms in section 733.

(5) DURATION OF COVERAGE.—If the plan coverage period is not based on a calendar year, the plan must provide coverage for any employee not covered under the plan after certification under this section.

(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 sponsorship of such employer, employee, partner, or self-employed individual in relation to the plan.

(7) SECTION 770 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 entity that is part of such control group shall 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 inserting at the end of the section the following:

(a) SAVINGS CLAUSE.—Section 733(c) of such Act is amended by inserting ‘‘or part 8’’ after ‘‘this part’’.

(2) EFFECTIVE DATE.—The amendments made by this section shall become effective one year 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. 18092(b)) is amended by—

(1) in paragraph (3), by striking ‘‘each of fiscal years 2018 and 2019’’ and inserting ‘‘fiscal years 2018 and 2020’’; 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 by—

(1) in paragraph (3), by striking ‘‘(consistent with section 2707(c))’’ the following:

‘‘or, for 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))’’; and

SEC. 204. WAIVERS FOR STATE INNOVATION.

(a) IN GENERAL.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18002) is amended by—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

(ii) a description of how the State plan meeting the requirements of a waiver under this section would, or any portion of, such aggregate amount of

(b) Precondition Rules.—Section 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this Act) are amended by—

(iii) by amending clause (i) to read as follows:

(iv) by striking ‘‘With respect’’ and inserting ‘‘With respect to’’;

(2) by striking paragraphs (4) through (8).

SEC. 205. COMMUNITY HEALTH CENTER PROGRAM.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 18092(b)) is amended by—

(1) in paragraph (3), by striking ‘‘each of fiscal years 2018 and 2019’’ and inserting ‘‘fiscal years 2018 and 2020’’; and

(2) by striking paragraphs (4) through (8).

SEC. 204. WAIVERS FOR STATE INNOVATION.

(a) IN GENERAL.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18002) is amended by—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

(ii) a description of how the State plan meeting the requirements of a waiver under this section would, or any portion of, such aggregate amount of

(b) Precondition Rules.—Section 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this Act) are amended by—

(iii) by amending clause (i) to read as follows:

(iv) by striking ‘‘With respect’’ and inserting ‘‘With respect to’’;
(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 any money in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2017, to remain available until the end of fiscal year 2019, to provide grants to States for purposes 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(i) 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 such section or for any purpose, such as such use is consistent with the requirements of paragraphs (1) and (7) of section 1105(c) 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.

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"§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 provide, 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. 932).

“(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, and 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.

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 of title 5, United States Code, is amended by adding at the end the following new item:

“§ 4782. Natural gas production, treatment, management, and use, Fort Knox, Kentucky.”

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 ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. OFFICE OF SPECIAL COUNSEL REALIZATION.

(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.

“(B) The authorization of the Special Counsel under subparagraph (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 72.

“(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 may withhold from the Special Counsel material described in subparagraph (A) if—

“(AA) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

“(BB) the material—

“(aa) may not be disclosed pursuant to a court order; or

“(bb) has been filed under seal subparagraph 3730 of title 31; and

“(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

“(aa) the material being withheld; and

“(bb) the reason that the material is being withheld.

“(C) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency if—

“(i) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

“(ii) Written record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information that is in furtherance of any authority provided to the Special Counsel under this subchapter.

“(6) The Special Counsel 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 each committee of Congress with jurisdiction over the applicable agency a report regarding the circumstances under which the Special Counsel complied or failed to comply with a request submitted by the Special Counsel under paragraph (5)(A).

“(c) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

“(1) AGENCY RESPONSIBILITIES.—Section 2302(c)(1)(B) of title 5, United States Code, as amended by paragraph (8) or subparagraph (B) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

“(2) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of the agency, shall provide the training described in subparagraph (c)(1) of section 2302 of title 5, United States Code, as amended by paragraph (8) or subparagraph (B) of section 2302(b) of title 5, United States Code

“(B) the term ‘whistleblower protections’ means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (B) of section 2302 of title 5, United States Code, as amended by paragraph (8) or subparagraph (B) of section 2302(b) of title 5, United States Code

“(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

“(j) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified if it were not of interest of national security for the conduct of foreign affairs, an employee may make a lawful disclosure of the information to—

“(I) the Special Counsel;

“(II) the Inspector General of an agency;

“(III) Congress; or

“(IV) another employee of the agency who is described in paragraph (2) as receiving such a disclosure.

“(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency no later than 180 days after the date on which the new employee is appointed.

“(4) The head of each agency shall take reasonable steps to ensure that employees 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).

“(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).

“(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency, shall take reasonable steps to ensure that—

“(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) constitutes, in consultation with the Special Counsel and the Inspector General of the agency, the employee who is described in paragraph (2) as receiving such a disclosure.

“(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) constitutes, in consultation with the Special Counsel and the Inspector General of the agency, the employee who is described in paragraph (2) as receiving such a disclosure.

“(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).

“(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency, shall take reasonable steps to ensure that—

“(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) constitutes, in consultation with the Special Counsel and the Inspector General of the agency, the employee who is described in paragraph (2) as receiving such a disclosure.

“(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) constitutes, in consultation with the Special Counsel and the Inspector General of the agency, the employee who is described in paragraph (2) as receiving such a disclosure.

“(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).

“(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency, shall take reasonable steps to ensure that—

“(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) constitutes, in consultation with the Special Counsel and the Inspector General of the agency, the employee who is described in paragraph (2) as receiving such a disclosure.

“(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) constitutes, in consultation with the Special Counsel and the Inspector General of the agency, the employee who is described in paragraph (2) as receiving such a disclosure.

“(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).
(bb) before the appointment described in item (aa), had not served in a supervisory position in the agency; and

(ii) on an annual basis to all employees of the agency who serve in supervisory positions in the agency.

(3) INFORMATION ON APPEAL RIGHTS.—

(A) IN GENERAL.—Any notice provided to an employee under section 7502(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to:

(i) the forums in which the employee may file an appeal described in clause (i); and

(ii) any limitations on the rights of the employee that would apply because of the action brought under the applicable section;

(B) DEVELOPMENT OF INFORMATION.—The information described in subparagraph (A) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

(4) ADDITIONAL WHISTLEBLOWER PROVISIONS.—

(A) Prohibited Personnel Practices.—Section 2302 of title 5, United States Code, is amended—

(i) in subsection (b)—

(1) in paragraph (9)(C), by inserting "or any other component responsible for internal investigation or review" after "Inspector General;" and

(2) in paragraph (12), by striking "or" at the end;

(ii) in paragraph (13), by striking the period at the end and inserting "; or;" and

(iii) by inserting after paragraph (13) the following:

"(14) access the medical record of another employee by an agency, if the investigating agency or entity contains the information required by the head of the agency collectively contain the information required under subsection (d);"

(B) in subsection (e)—

(i) 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).

(ii) in paragraph (3), by striking "agency report pursuant to subsection (c) of this section" and inserting "report submitted to the Special Counsel by the head of an agency under section 7503(b)(1), section 7529(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to the employee who made the disclosure;

(B) in subsection (f)—

(i) in paragraph (12), by striking "or" at the end;

(ii) in paragraph (13), by striking the period at the end and inserting "; or;" 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 reasonable 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) Transfer Requests during Stays.—

(A) Priority Granted.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

"(2)(B) if the Board grants a stay under subparagraph (A), 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 subparagraph (A), the agency employing the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.

(4) Retaliatory Investigations.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

"(i) The Special Counsel petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(9) or subparagraph (A)(1), (B), (C), or (D) of section 2302(b)(9), without regard to whether a personnel action, as defined in section 2302(a)(2)(A) of title 5, United States Code.

(c) Suicide by Employees.—

(1) Definitions.—In this subsection—

(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, without regard to whether any other provision of that title 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.

(2) Reference.—

(A) in general.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency relevant to whether any other provision of that title is applicable to the entity; and

(B) in paragraphs (8) and (9) of section 2302(a), the term "employee" means an employee of the agency who made a disclosure of information that reasonably indicates—

(i) a violation of a law, rule, or regulation; or

(ii) gross mismanagement; (III) a gross waste of funds; (iv) an abuse of authority; or (v) a substantial and specific danger to public health or safety.

(i) 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)(B); and

(B) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

(5) Protection of Whistleblowers as Criteria in Performance Appraisals.—

(A) Establishment of System.—Section 4902 of title 5, United States Code, is amended—

(i) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(ii) by inserting after subsection (a) the following:

"(b) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall determine whether—

(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee—

(B) promote the protection of whistleblowers.

(2) The criteria required under paragraph (1) shall include—

"(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b); and

(ii) take responsible actions to resolve the disclosures described in clause (i); and

(B) for each supervisory employee—

(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

(ii) whether 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.

(3) In this subsection—

"(A) the term 'agency' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity; and

(B) the term 'personnel practice' has the meaning given the term in section 2302(a)(1);

(C) the term 'supervisory employee' means an employee who would be a supervisor if defined in subsection (a)(9) of section 2302(b), but for 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 7103(a) 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”;

(C) by adding at the end the following:

“(6) protecting whistleblowers, as described in section 1212 of title 5, United States Code.

(3) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(A) DEFINITIONS.—In this paragraph, the terms “agency” and “whistleblower” have the meanings given in the terms in section 4302(b)(3) 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 standards for protecting whistleblowers that were established under section 4322(b) 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 under 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”.

(g) DISCIPLINE OF SUPERVISEES 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’—

“(A) means the agency given in the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the agency; and

“(B) a head of 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);

“(2) 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

“(3) the term ‘supervisor’ means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee had been an agency under chapter 75 of title 5, United States Code.

“(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 determines that the supervisor 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 appropriate by the head of the agency, including a reduction in grade or pay; and

“(B) for the second prohibited personnel action committed by a supervisor, the Special Counsel 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.—

“(I) 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.

“(II) 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 7533, 7513, or 7543; and

“(ii) shall not be subject to—

“(I) paragraphs (1) and (2) of section 7562(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.

“(4) TECHNICAL AND CONFORMING AMENDMENT.—The text 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, not later than 30 days after the date on which the Special Counsel receives an allegation of a prohibited personnel practice under paragraph (1), 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—

“(aa) made by the individual; and

“(bb) investigated by the Special Counsel; or

“(C) filed by the individual with 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 practice 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 terminates an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states 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:

“(4) The Special Counsel shall enter into at least 1 agreement with the Inspector General of an agency under which—

“(I) the Inspector General shall—

“(aa) develop a method for an employee of the Office of Special Counsel to communicate directly with the Inspector General; and

“(bb) reimburse the Inspector General for services provided under the agreement.

“(ii) REPORTING REQUIREMENTS.—

“(A) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

“(4) 1218. Annual report.

“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—

“(I) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

“(II) the number of investigations conducted by the Special Counsel;

“(III) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

“(IV) the number of subpoenas issued by the Special Counsel;

“(V) 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;

“(VI) the actions that resulted from reopening investigations, as described in paragraph (5); and

“(VII) 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)(i) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

“(b) 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;

“(c) a description of—

“(I) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints filed; and

“(II) 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;

“(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 component—

“(A) complaints dealing with reprisals against whistleblowers; and

“(B) all other complaints;

“(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)(1);

“(B) any 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) relating to the matter; and

“(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);

(3) NOTICE OF COMPLAINT SETTLEMENTS.—Section 1217 of title 5, United States Code, is amended—

“(A) by striking “The Special Counsel” and inserting the following:

“(a) IN GENERAL.—The Special Counsel;” and

“(B) by adding at the end the following:

“(1) IN GENERAL.—If an allegation submitted to the Special Counsel is resolved by an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

“(2) CONTENTS.—Any report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

“(A) the agency that entered into the agreement;

“(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;

“(C) the position and employment location of any employee alleged by an employee described in paragraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

“(D) a description of the allegation described in subparagraph (B); and

“(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).”;

(k) ESTABLISHMENT OF SURVEY PILOT PROGRAM.—

“(1) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

“(2) PURPOSE.—The survey under paragraph (1) shall be designed for the purpose of collecting information and improving service at various stages of a review or investigation by the Office of Special Counsel.

“(3) RESULTS.—The results of the survey under paragraph (1) shall be published in the annual report of the Office of Special Counsel.

“(4) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act to reauthorize the Office of Special Counsel, and for other purposes”, approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

(5) STAYS OF THE MERIT SYSTEMS PROTECTION BOARD.—Section 1214(b)(1)(B)(i) of title 5, United States Code, is amended by striking “who was appointed, by and with the advice and consent of the Senate,”.

(m) REGULATIONS.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

“(A) the functions of the Special Counsel under subsection (d)(12) of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and

“(B) any functions of the Special Counsel that are required because of the amendments made by this section.

“(2) PUBLICATION.—Any regulations prescribed under paragraph (1) shall be published in the Federal Register.

(n) AUTHORIZATION OF APPOINTMENTS.—


“(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as though enacted on September 30, 2015.

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, 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 6, strike line 9 and insert the following:

“(b) DEFINITION OF FULL-TIME EMPLOYEE.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

“(1) in paragraph (2)(B), by striking “by 174” and inserting “by 174”;

“(2) in paragraph (4)(A) by striking “30 hours” and inserting “40 hours”.

“(c) EFFECTIVE DATE.—The amendments made by

SA 591. 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 national security, and for military activities of the Department of Energy, for national defense, for defense activities of the Department of Energy, for national security, 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. 727. 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 interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

SA 593. Ms. DUCKWORTH (for herself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. MURRAY) 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 national security, and 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 end of subtitle D of title VI, add the following:

SEC. 809. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFinance OUTSTANDING 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 OUTSTANDING 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.”;

(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; and

(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2018;

(3) The Secretary shall establish the center of excellence to carry out the following:

(a) To provide for the development, testing, and dissemination within the Department of Defense of best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

(b) To analyze data on blast pressure exposure for any member of the Armed Forces who is likely to be exposed to blast pressure in the course of their duties.

(c) To conduct research on the short-term and long-term effects of blast pressure on servicemembers.

(d) To disseminate within military facilities of the Department of Defense best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

(e) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

(f) To provide guidance for health systems of the Department of Defense on the provision of health care for veterans with health conditions relating to exposure to burn pits and other environmental exposures.

(g) To assess the feasibility and advisability of conducting a longitudinal 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.

(h) To develop a comprehensive program to train health professionals of the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

(i) To disseminate within military facilities of the Department of Defense best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

(j) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

(3) The term ‘burn pit’ means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense for disposal of solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

(2) The term ‘other environmental exposures’ means exposure to hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

(g) 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 shall make award amounts on a competitive basis to the center of excellence from the medical and research accounts of the Department of Defense for the purpose of conducting research under this section relating to clinical and scientific investigation.

(h) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the following:

‘‘7320. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.‘’

‘‘7320. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.‘’

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 II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

‘‘7320. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.‘’

(b) ESTABLISHMENT.—(1) The Secretary shall establish within the Department 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; and

(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2018;

(3) The Secretary shall establish the center of excellence to carry out the following:

(a) To provide for the development, testing, and dissemination within the Department of Defense of best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

(b) 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 treatments.

(c) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

(d) 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 312 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(e) DEFINITIONS.—In this section:

(1) The term ‘burn pit’ means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense for disposal of solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

(2) The term ‘other environmental exposures’ means exposure to hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

(3) FUNDING.—(1) There is authorized to be appropriated—

(A) $3,900,000 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 shall award additional amounts on a competitive basis to the center of excellence from the medical and research accounts of the Department of Defense for the purpose of conducting research under this section relating to clinical and scientific investigation.

(4) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting after the following:

‘‘7320. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.‘’
(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 in 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:

At the end of title J of title VIII, add the following:

SEC. 8909. 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 civil judgements or settlements over the previous five fiscal years.

(2) A listing of contractors that have been debarred or suspended from Federal contracts based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SA 597. Mr. SANDERS submitted an amendment intended to be proposed by him in 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:

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. WORKING 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 the date the 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 employed in 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.

(c) PROHIBITION ON AWARDING CONTRACTS TO DEFENSE CONTRACTORS FAILING TO MEET NATIONAL GOAL.—No action may be taken to reduce the capabilities of the Advanced Turbine Engine Army Maintenance technical expertise and capabilities among any Armed Force or the militaries of the United States allies (through the Foreign Military Sales program) unless such contractor is debarred.

(d) REQUIREMENT FOR ADVANCED TURBINE ENGINE ARMY MAINTENANCE CONTRACTORS TO PROVIDE ANNUAL REPORTS.—The Secretary of Defense shall certify each of the following:

(1) That Advanced Turbine Engine Army Maintenance capabilities do not result in any cost avoidance or savings to the Department of Defense.

(2) That there is no existing or anticipated requirement for Advanced Turbine Engine Army Maintenance technical expertise and capabilities among any Armed Force or the militaries of the United States allies (through the Foreign Military Sales program) unless such contractor is debarred.

(e) REQUIREMENT FOR ADVANCED TURBINE ENGINE ARMY MAINTENANCE CONTRACTORS TO PROVIDE ANNUAL REPORTS.—The Secretary of Defense shall certify each of the following:

(1) That Advanced Turbine Engine Army Maintenance capabilities do not result in any cost avoidance or savings to the Department of Defense.

(2) That there is no existing or anticipated requirement for Advanced Turbine Engine Army Maintenance technical expertise and capabilities among any Armed Force or the militaries of the United States allies (through the Foreign Military Sales program) unless such contractor is debarred.

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 D of title X, add the following:

SEC. 338. PROHIBITION ON TRANSFER OF THE TOOLS AND EQUIPMENT OF THE ADVANCED TURBINE ENGINE ARMY MAINTENANCE OF THE ARMED NATIONAL GUARD.

No action may be taken to reduce the capabilities of the Army in recent years.

SA 600. Mr. MORAN (for himself and Mr. ROBERTS) 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 E of title X, add the following:

SEC. 340. 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 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 this matter covered by the Value Analysis model has made proper oversight of the Army by Congress far more difficult.
SEC. 1007. STUDY ON SCALING 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 scaling 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. 1008. DECORLASSIFICATION 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 later than 90 days after the date of the enactment of this Act, de classify documents related to an incident of known or likely exposure to a toxic substance that resulted in at least one fatality of the Armed Forces, and notify the appropriate committees of Congress of the declassification of such documents.

(b) LIMITS.—The Secretary of Defense shall not declassify documents related to incidents of exposure to a toxic substance that resulted in at least one fatality of the Armed Forces if the President determines that the declassification of such documents may have a negative impact on the national security interests of the United States.

(c) REQUIREMENTS.—In making any determination under subsection (b), the President shall take into account any other provision of law, including by prohibiting the publication of any information related to the exposure to the toxic substance that could reasonably be expected to compromise the national security interests of the United States.

(d) REQUIREMENTS.—In making any determination under subsection (b), the President shall take into account any other provision of law, including by prohibiting the publication of any information related to the exposure to the toxic substance that could reasonably be expected to compromise the national security interests of the United States.

SEC. 1009. 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 may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range standoff weapon or for the W80 warhead life extension program.

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. 1010. TRANSFER OF NON-COMBAT MILITARY VEHICLES AND EQUIPMENT TO STATE AND LOCAL FIRE DEPARTMENTS UNDER FIREFIGHTER PROPERTY PROGRAM.

The Secretary of Defense shall, not later than 90 days after the date of the enactment of this Act, transfer to the National Fire Protection Association and the American National Standards Institute for the purpose of standardization the transfer of non-combat military vehicles and equipment to fire departments of the United States made under the provisions of this Act.

SEC. 1011. TRANSFER OF NON-COMBAT MILITARY VEHICLES AND EQUIPMENT TO STATE AND LOCAL FIRE DEPARTMENTS UNDER FIREFIGHTER PROPERTY PROGRAM.

The Secretary of Defense shall transfer to the National Fire Protection Association and the American National Standards Institute for the purpose of standardization the transfer of non-combat military vehicles and equipment to fire departments of the United States made under the provisions of this Act.
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 XIII, add the following:

SEC. 1. ATOMIC VETERANS SERVICE MEDAL.

(a) Service Medal Required.—The Secretary of Defense shall design and produce a 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 is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Medal to the next-of-kin of the person.

(3) Issuance to Widows of Radiation-Exposed Veterans.—In the case of a widow of a radiation-exposed veteran, the Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of kin may apply to receive the Atomic Veterans Service Medal.

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 XIII, add the following:

SEC. 1. 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) to secure the national security interest of the United States in Afghanistan, the United States should pursue an integrated civil-military strategy with strategic objectives to—

(A) deny, disrupt, degrade, and destroy the ability of terrorist groups to conduct attacks against the United States, its allies, and its core interests;

(B) prevent the Taliban from using military force to overthrow the Government of the Islamic Republic of Afghanistan and reestablish the Taliban’s control of the Afghan population;

(C) improve the capability and capacity of the Government of the Islamic Republic of Afghanistan to the extent feasible and practicable, to defeat terrorist and insurgent groups as well as to sustainably and independently provide security throughout Afghanistan;

(D) establish security conditions in Afghanistan necessary to encourage and facilitate a negotiated peace process that supports political reconciliation in Afghanistan and an eventual diplomatic resolution to the conflict in Afghanistan; and

(E) forge a diplomatic consensus in support of the long-term stabilization of Afghanistan through integration into regional patterns of political, security, and economic cooperation.

(3) the United States should pursue an integrated civil-military strategy that would achieve United States strategic objectives by—

(A) bolstering the United States counterterrorism effort in Afghanistan by—

(i) increasing United States counterterrorism forces in Afghanistan;

(ii) providing the United States military with status-based targeting authorities against the Taliban, al-Qaeda, the Islamic State of Iraq and Syria, and other terrorist groups that threaten the United States, its allies, and its core interests; and

(iii) pursuing a joint agreement to secure a long-term, open-ended counterterrorism partnership between the United States and the Government of the Islamic Republic of Afghanistan, which would include an enduring United States counterterrorism presence in Afghanistan;

(B) improving the military capability and capacity of the Afghan National Security and Defense Forces (ANSF) against the Taliban and other insurgent groups by—

(i) in the short term, establishing United States military training and advisory teams at the kabul-level of each Afghan corps, and significantly increasing the availability of United States airpower and other critical combat enablers to support Afghan National Security and Defense Forces operations; and

(ii) in the medium to long term, providing sustained support to the Afghan National Security and Defense Forces as it develops and expands its own key enabling capabilities, including intelligence, logistics, special forces, air lift, and close air support;

(C) strictly conditioning further United States military, economic, and governance assistance programs for the Government of the Islamic Republic of Afghanistan upon measurable progress in achieving joint United States-Afghanistan benchmarks for implementing institutional reforms, especially those related to anti-corruption, financial transparency, and the rule of law;

(D) imposing graduated diplomatic, military, and economic costs on Pakistan as long as it continues to provide support and sanctuary to insurgent groups in Afghanistan, including the Taliban and the Haqqani Network, while simultaneously outlining the potential benefits of a long-term United States-Pakistan strategic partnership that could result from the cessation by Pakistan of support for all terrorist and insurgent groups and constructive role in bringing about a peaceful resolution of the conflict in Afghanistan; and

(E) intensifying United States regional diplomatic efforts working through flexible frameworks for regional dialogue together with Afghanistan, Pakistan, China, India, Tajikistan, Uzbekistan, Turkmenistan, and other nations to promote political reconciliation in Afghanistan as well as to advance regional cooperation on issues such as border security, intelligence sharing, counter-narcotics, transportation, and trade to revitalize and build confidence among regional states; and

(4) the President should ensure that the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the United Nations have all the necessary means, based on political and security conditions on the ground in Afghanistan and uncontradicted by arbitrary timelines, to carry out an integrated civil-military strategy as described in paragraphs (2) and (3), including financial resources, civil-military, military forces and capabilities, and authorities.

SA 610. Ms. HIROK (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. 2. AUTHORITY TO USE ENERGY SAVINGS INVESTMENT FUND FOR ENERGY MANAGEMENT INITIATIVES.

Section 219(b)(2) of title 10, United States Code, is amended by striking “‘,” to the extent provided for in an appropriations Act.‘”.

SA 611. Ms. HIROK (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. 3. 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, in consultation with the Administrator of the General Services Administration and the Secretary of the Army, shall submit to the congressional defense committees a report identifying projects to increase energy resilience on military installations that could be executed under an existing areawide contract (as defined in section 41.101 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. 5. LEONARD HENRY OSSIAN FLIPPER LEADER SCHOLARSHIP PROGRAM.

(a) Authority.—The Secretary of the Army shall carry out a program to be known as the “Lieutenant Henry Ossian Flizzer Scholarship Program” under which the Secretary shall award scholarships to students from needy families 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 of Defense, as determined by the Secretary, and that fail-

(1) 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. 1087b).
(2) MINORITY-SERVING INSTITUTION.—The term "minority-serving institution" means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q).
(3) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term "recognized postsecondary credential" has the meaning given the term in section 371(a) of the Higher Education 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. 1. 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 avail-

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent manage-

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consulta-

(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 guide-

(1) A description of the expenditures made under 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 expendi-

(2) A description of improvements in the Department of Defense cyber workforce resulting from such expendi-

(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.

(5) TERMINATION.—The Pilot Program and the annual reporting requirement under sub-

(b) CYBER WORKFORCE DEFINED.—In this section, the term "cyber workforce" means the following:

(1) Personal in positions that require the performance of cybersecurity or other cyber-

(2) Military personnel or civilian civil-

(3) Cyber-related functions as so identified pursuant to the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114-113; 5 U.S.C. 3030).

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 Defense, 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:

(1) The term "annual report" means an annual report to the congressional defense committees, which shall include:

(2) Recommendations for additional au-

(3) The annual report shall include:

(4) Cyber-related functions. At the appropriate place in subtitle C of title XVI, insert the following:
The Senate of the United States:

January 27, 2017

We transmit the following:

SA 615. Ms. Cortez Masto submitted an amendment intended to be proposed by her 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 C of title XII, add the following:

SEC. 104. REPORT ON PLAN TO STABILIZE THE AREAS IN IRAQ AND SYRIA LIBERATED FROM THE ISLAMIC STATE OF LEVANT (ISIL).

(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, including the performance of counterterrorism operations and stabilization operations independent of United States forces;

(C) An assessment of the capacity of such security forces to operate effectively in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas;

(D) An assessment of the extent to which security forces were trained and equipped using United States assistance and support from such security forces and legitimate local authorities for the participation of the United States Government in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas;

(E) A description of—

(i) the responsibilities and plans of the Department of State in working with legitimate local authorities to re-establish essential services, and support reconstitution of local economies in such areas;

(ii) plans for improving any gaps identified in the assessments described in subparagraphs (A) through (D); and

(iii) the resources required to execute the plans described in clause (ii), and the metrics to be used in evaluating the execution of such plans.

(F) A description of the roles, responsibilities, and anticipated contributions of resources of partner nations in securing and stabilizing such areas.

(2) For areas in Syria 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, including the performance of counterterrorism operations and stabilization operations independent of United States forces;

(C) An assessment of the capacity of such security forces to operate effectively in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas;

(D) An assessment of the extent to which security forces were trained and equipped using United States assistance and support from such security forces and legitimate local authorities for the participation of the United States Government in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas;

(E) A description of—

(i) the responsibilities and plans of the Department of State in working with legitimate local authorities to re-establish essential services, and support reconstitution of local economies in such areas;

(ii) plans for improving any gaps identified in the assessments described in subparagraphs (A) through (D); and

(iii) the resources required to execute the plans described in clause (ii), and the metrics to be used in evaluating the execution of such plans.

(F) A description of the roles, responsibilities, and anticipated contributions of resources of partner nations in securing and stabilizing such areas.

SEC. 105. REPORT ON PROGRESS IN CARRYING OUT ASSESSMENT REQUIRED BY SECTION 916A OF TITLE 10, UNITED STATES CODE.

(A) REPORT REQUIRED.—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 report on the progress of the Secretary and the Chairman of the Joint Chiefs of Staff in carrying out the assessment required by section 1622(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

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 10103(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” and inserting “, and”;

(2) in subparagraph (E), by striking the period at the end.

(b) Reauthorization of Title I.—The authorities provided under title I of the Act (42 U.S.C. 300j et seq.) are hereby reauthorized.

(c) Reauthorization of Title III.—Section 304 of the Act (42 U.S.C. 300m–3) is hereby reauthorized.

(d) Reauthorization of Title IV.—Section 404 of the Act (42 U.S.C. 300m–4) is hereby reauthorized.

(e) Reauthorization of Title V.—Section 504 of the Act (42 U.S.C. 300m–5) is hereby reauthorized.

(f) Reauthorization of Title VI.—Section 604 of the Act (42 U.S.C. 300m–6) is hereby reauthorized.

(g) Reauthorization of Title VII.—Section 704 of the Act (42 U.S.C. 300m–7) is hereby reauthorized.

SEC. 03. REASONABLE PRICE AGREEMENT.

(a) In General.—If any Federal agency or any non-profit entity undertakes Federally funded health care research and development and to file a survey or provide a patent 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 of 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 the per capita income of the United States.

(2) DISCRIMINATORY PRICING.—For the purposes of paragraph (1), a reasonable pricing formula that is utilized shall be considered to result in discriminatory pricing if the contract for sale of the drug, biologic, or other health care technology places a lower limit on supply, or employs any other measure, that has the effect of—

(A) providing access to such drug, biologic, or technology on terms or conditions that are less favorable than the terms or conditions provided to a foreign purchaser (other than a charitable or humanitarian organization) of the drug, biologic, or technology; or

(B) restricting access to the drug, biologic, or technology under this section.

(c) 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. 04. PATIENT PROTECTION AND AFFORDABLE CARE ACT AMENDMENTS.

(a) Number of Bidders.—Section 10101(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'' and inserting ''or'';

(2) in subparagraph (E), by striking the period at the end.

(b) Appraisal.—Section 10102 of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(a)) is amended—

(1) by inserting ''(K) $4,000,000,000 for fiscal year 2018;'' after subsection (j); and

(2) by inserting ''(L) $4,000,000,000 for fiscal year 2019;'' after subsection (k).
(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 subsequent fiscal year for appropriated funds for the preceding fiscal year adjusted by the product of—
(i) one plus the average percentage increase in costs incurred per patient served; and
(ii) one plus the average percentage increase in the total number of patients served.
(b) CAPITAL PROJECTS.—In addition to amounts otherwise appropriated under section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(1)), 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 appropriated for community health centers may not be reduced as a result of the appropriations made under this section.
(d) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. 05. NURSE PRACTITIONER RESIDENCY TRAINING PROGRAMS.
(a) IN GENERAL.—Section 340H(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b-2(b)(2)) is amended—
(1) in subparagraph (D), by striking “and” and inserting “or”; and
(2) by striking the period and inserting “, or the percentage increase for the fiscal year involved under section 2(a)(11).”.
(b) LIMITATION.—Amounts otherwise appropriated for centers may not be reduced as a result of the appropriations made under this section.
(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. 06. TEACHING HEALTH CENTERS.
(1) Clause (ii), (iii), or (iv) of section 506(c)(3)(E).
(2) Clause (iv) of section 506(j)(5)(B).
(3) Clause (ii), (iii), or (iv) of section 506(f)(5).
(4) Section 505A.
(5) Section 505E.
(6) Section 331(G)(7) of the Public Health Service Act.

SEC. 07. Any other provision of this Act that provides for market exclusivity (or extension of market exclusivity) with respect to a drug.

(c) VIOLATIONS.—
(1) IN GENERAL.—A violation described in this subsection is a violation of a law described in paragraph (2) that results in—
(A) a criminal conviction of a person described in subsection (a);
(B) a civil judgment against a person described in subsection (a); or
(C) a settlement agreement in which a person described in subsection (a) admits to fault.
(2) LAWS DESCRIBED.—The laws described in this paragraph are the following:
(A) The provisions of this Act that prohibit—
(i) the adulteration or misbranding of a drug;
(ii) the making of false statements to the Secretary or committing fraud; or
(iii) the illegal marketing of a drug.
(B) The provisions of subsections III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’).
(C) Section 237 of title 18, United States Code.
(D) The Medicare and Medicaid Patient Protection and Program Act of 1967 (commonly known as the ‘Antikickback Statute’).
(E) Section 1927 of the Social Security Act.
(3) A State law against fraud comparable to a law described in subparagraphs (A) through (E).
(4) DATE OF EXCLUSIVITY TERMINATION.—The date on which the exclusivity shall be terminated as described in subsection (a) is the date on which, as applicable—
(i) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or
(ii) a settlement agreement described in subsection (c)(1)(C) is approved by a court order, is or becomes final and nonappealable; or
(iii) B if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.
(5) REPORTING OF INFORMATION.—A person described in subsection (a) that commits a violation described in subsection (c)(1) shall report such violation to the Secretary no later than 30 days after the date that—
(i) a final judgment is entered relating to a violation described in subsection (A) or (B) of subsection (c)(1); or
(ii) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable.

SEC. 08. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.
Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

SEC. 580D. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.
(a) TERMINATION OF EXCLUSIVITY.—Notwithstanding any other provision of this Act, any period of exclusivity described in subsection (b) granted to a person or assigned 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 exclusivity was granted or any person to which such exclusivity is assigned commits a violation described in subsection (c)(1) with respect to such drug.
(b) EXCLUSIVITIES AFFECTED.—The periods of exclusivity affected for subsection (a) are those periods of exclusivity granted under any of the following sections:
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. 112. REPEAL OF 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)—

(i) in subsection (a)(10)(A)—

(I) by striking subclauses (IV), (V), and (VI) by striking subclause (III), by adding "and" at the end of subparagraph (B)(ii) and inserting "and" at the end of subparagraph (B)(ii)—

(ii) in subsection (a)(10)(A)(II) by striking subclauses (IV), (V), and (VI) by striking subclause (III), by adding "and" at the end of subparagraph (B)(ii) and inserting "and" at the end of subparagraph (B)(ii)—

(iii) by striking subparagraph (E) and inserting "and" at the end of subparagraph (B)(ii)—

(2) in section 1903A(c) of the Social Security Act (42 U.S.C. 1396a-2)—

(i) by inserting "and" at the end of subparagraph (B) and inserting "and" at the end of subparagraph (B)—

(ii) in subparagraph (B) by striking subclauses (IV), (V), and (VI) by striking subclause (III), by adding "and" at the end of subparagraph (B)(ii) and inserting "and" at the end of subparagraph (B)(ii)—

(b) TEMPORARY INCREASE TO PER CAPITA CAPS.—Section 1903A(c) of the Social Security Act, as added by this Act, is amended by adding at the end the following new paragraph:

"(4) INCREASE TO STATE EXPENDITURES TARGETS.—(A) In general.—For each of fiscal years 2019 and 2020, the Secretary—

(i) shall determine, for each State, the target total medical assistance expenditures for a State and fiscal year under paragraph (1), the Secretary shall increase, by the amount determined under this paragraph to target total medical assistance expenditures under section 1903A for the fiscal year involved; and

(ii) the Secretary shall increase, by the amount determined under this paragraph for periods after December 31, 2017, and before January 1, 2024, who are described in subparagraph (A)(ii)(XXIII) for fiscal year the year if the requirement described in section 1902n(1)(F) (relating to enrollment as of December 31, 2017) did not apply (as determined by the Director of the Office of Management and Budget).

(B) 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)."

(c) EXPANSION REPEAL SAVINGS PAYMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Health and Human Services shall make a payment to each State in the amount determined for the State under paragraph (3).

(2) USE OF FUNDS.—(A) IN GENERAL.—A State shall use any payments received under this section to finance the non-Federal share of expenditures under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which are not attributable to medical assistance provided to individuals under subsection (XXIII) of section 1902(a)(10)(A)(ii) for such fiscal year if the requirement described in section 1902n(1)(F) (relating to enrollment as of December 31, 2017) did not apply (as determined by the Director of the Office of Management and Budget).

(B) NONAPPLICABILITY OF RESTRICTIONS.—Any provision of law restricting the use of Federal funds for the purpose described in subparagraph (A) shall not apply to payments made to States under this subsection.

(3) PAYMENT AMOUNTS.—The amount of a payment described under this paragraph for a State shall be equal to the product of—

(A) the amount appropriated under paragraph (4); and

(B) the ratio of—

(i) the average monthly number of individuals enrolled in the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar year 2016, excluding any individuals enrolled under section 1902(a)(10)(A)(II)(XXIII) for the previous fiscal year;

(ii) the sum of the average monthly numbers 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 1922) but excluding any individual enrolled under section 1902(a)(10)(A)(II)(XXIII) for the previous fiscal year; to

(1) the average monthly number of individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1922 for the fiscal year; and

(2) the number of individuals enrolled in the State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1922 but excluding any individual enrolled under section 1902(a)(10)(A)(II)(XXIII) for the previous fiscal year); or

(2) the 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 1922 but excluding any individual enrolled under section 1902(a)(10)(A)(II)(XXIII) for the previous fiscal year); or


(7) THE AVERAGE MONTHLY NUMBER OF INDIVIDUALS ENROLLED IN THE STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT (42 U.S.C. 1396 ET SEQ.) FOR CALENDAR YEAR 2016, EXCLUDING ANY INDIVIDUALS ENROLLED UNDER SECTION 1902(A)(10)(A)(II)(XXIII) FOR THE PREVIOUS FISCAL YEAR; or

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; as follows:

At the end of subsection B of title VII, add the following:

SEC. 1435. AUTHORITY OF CHIEF OPERATING OFFICER OF THE ARMED FORCES RETIREMENT HOME TO ACQUIRE AND LEASE 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) by striking "Secretary of Defense may acquire," and inserting "Chief Operating Officer may acquire,"; and

(2) by striking "Secretary may acquire" and inserting "Chief Operating Officer determines";

(b) LEASING OF NONEXCESS PROPERTY.—Subsection (i) of such section is amended—

(1) by striking "Secretary of Defense (acting on behalf of the Chief Operating Officer)'' and inserting "Chief Operating Officer''; and

(2) by striking "Secretary'' and inserting "the Chief Operating Officer'';

(c) CONSIDERATIONS.—When selecting entities to provide services under the TRICARE program, the Secretary shall—

(1) give consideration to whether the entity provides services under the TRICARE program.

SEC. 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 subsection B of title VII, add the following new section:

SEC. 1511. AUTHORITY OF CHIEF OPERATING OFFICER."
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 Workforce 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:

On page __, between lines __ and __, insert the following:

(3) affect the integrity or outcome of United States elections at any level, including at the Federal, State, and local levels;

SA 625. 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 ‘‘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 paragraph (1), 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 that is comprised of United States citizens 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.

(c) PROHIBITION ON AWARDING CONTRACTS TO DEFENSE CONTRACTORS THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to the Department of Defense by a contractor under subsection (b), the percentage described in paragraph (1) of such subsection is greater than the percentage described in paragraph (2) of such subsection, the contractor shall be ineligible for further contracts with the Department of Defense until the contractor provides to the Department a written certification that the number of employees of the contractor in the United States that have been laid off or induced to resign from the contractor in the 12-month period preceding the submission of the certification is in the same proportion as, or has increased in proportion to, the number of the employees of the contractor worldwide as of the later of—

(1) the date the contractor last laid off or induced to resign from the contractor in 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 date on which the contractor entered into the contract for which the certification is being made.

SA 626. 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. 10. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) ELEMENTS REQUIRED UNDER SUBSECTION (a) SHALL INCLUDE THE FOLLOWING:

(1) A summary of fraud-related criminal convictions, judgments, or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed contracts 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 Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, set- tled or convicted of, or convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including 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. 1626, 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. 10. STRIKING PROVISIONS THAT NEGA- TIVELY IMPACT THE ACCESSIBILITY AND AFFORDABILITY OF PEDIATRIC Assist ance.

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 affordability 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. 1626, 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. 10. TO STRIKE PROVISIONS THAT WOULD ELIMINATE OR REDUCE CONSUMER PROTECTIONS PROVIDED BY THE PATIENTS’ BILL OF RIGHTS UNDER PEACA.

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. 1626, 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. 10. POINT OF ORDER AGAINST LEGISLA- TION 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, including:

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate.
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. ___. 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. ___. 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. ___. LIMITATION ON MODIFICATION OF STATUS OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection 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 accession 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 to effect the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action;

(2) A modification of veteran 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. ___. 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 the only museum in the United States that exists exclusively to preserve and advance education on the role of aviation in winning World War II.

(4) The National Museum of World War II Aviation celebrates the spirit of the United States, recognizing the teamwork, collaboration, patriotism, and courage of the men and women who fought in the war; and as those who mobilized and supported the national aviation effort on the homefront.

(b) RECOGNITION.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America’s National World War II Aviation Museum.

(c) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System. And the National Museum shall not be required to use Federal funds for any purpose related to the National Museum.

SA 635. Mr. KAINẾ 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 1006 and insert the following:

SEC. 1606. 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 programs;

(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden on launch providers 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:

(c) CONSULTATION.—In carrying out the program required by this section, the Secretary shall consult with current and anticipated users of ranges in the United States that launch national security space missions.

(d) COOPERATION.—In carrying out this section, the Secretary shall consider partnership opportunities under section 297 of title 10, United States Code.

(e) REPORT.—(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to 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.

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at ranges described in paragraph (1) to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

SA 636. Mr. PERNUE (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:

Strike section 1093 and insert the following:


(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, as required by law. The Under 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 through the congressional defense committees collectively by the Secretary under procedures established by the Secretary for purposes of this subsection.

(c) Termination on report 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 other organization or element of the Department of Defense, as applicable, after the Department of Defense or such military department, Defense Agency, or 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 consultation with the Secretary of Defense for purposes of this section, establish a congressionally certified defense committees committee to set forth a ranking of the auditability of the financial statements of the military departments, Defense Agency, organizations, and elements of the Department of Defense according to the progress made toward achieving auditability and reliability. The Under Secretary of Defense for Acquisition and Sustainment 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 264b1 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (f) 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 establish a process to determine, in consultation with the Secretary of Veterans Affairs, the priorities under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retenant pay.

“(3) The requirement to provide transportation on military aircraft on a space-available basis for veterans with a service-connected, permanent disability rated as total, as described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under section 1414 of title 10, United States Code, or coordinated with any other transportation program.

“(4) In this subsection, the terms ‘veteran’ and ‘service-connected’ have the meanings given those terms in section 101 of title 38.”.

(b) Effective date.—Subsection (f) of section 264b1 of title 10, United States Code, as added by section (a)(2) of this section, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SA 638. 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 G of title X, add the following:

SEC. ___. DETERMINATION OF CERTAIN SERVICE 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 of Defense 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 concurrent receipt authority to retirees with service-connected disabilities rated less than 50 percent.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(b) Clerical amendments.—

(1) The heading of section 1414 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.”

(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. ____. COORDINATION OF CONCURRENT RECEIPT AUTHORITY AND ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) Amendments to standardize similar provisions.—

(1) Qualified retirees.—Subsection (a) of section 1024 of title 38, United States Code, is amended—
(A) by striking “a member or” and all that follows through “retiree”; and

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

“(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the Armed Forces who—

(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

(B) is also entitled for that month to veterans’ disability compensation.”

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

“(2) DISABILITY RETIREES.—Paragraph (2) of this title, whichever is applicable to the

(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

(B) the amount (if any) by which the amount of the member’s retired pay under such chapter exceeds the amount equal to 2% percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

(b) 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.

SA 640. 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 H of title V, add the following:

SEC. 585. STRATEGY ON TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE AND SKILLS IN UNMANNED AIRCRAFT SYSTEMS TO FEDERAL AGENCIES WITH REQUIREMENTS REASONABLY CONSISTENT WITH SUCH SKILLS AND EXPERIENCE.

The Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration, submit to Congress a report setting forth a strategy for means to facilitate and encourage members of the Armed Forces with experience and skills in unmanned aircraft systems to obtain positions with Federal agencies requiring such skills and experience after their separation from military service.

SA 641. 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 D of title VI, add the following:

SEC. 654. 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:

At the appropriate place, insert the following:

SEC. 643. REVIEW OF TAP FOR WOMEN.

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 transfer 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. 644. 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 with a military occupational specialty relating to the provision of health care 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 or limitation under subsection (c)(2)(A)(ii)(II) "of such Code is amended—

(a)(1) in subparagraph (B)

(a) SELF-ONLY COVERAGE.—Section 223 of the Internal Revenue Code of 1986 is amended by striking "$2,500" and inserting "$4,500".

(b) FAMILY COVERAGE.—Section 223 of the Internal Revenue Code of 1986 is amended by striking "$4,500" and inserting "$15,000".

(c) COST-OF-LIVING ADJUSTMENT.—Section 223 of the Internal Revenue Code of 1986 is amended by striking "$4,500" and inserting "$15,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018.

SA 647. Mr. Sasse submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McConnelly 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. 6. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNTS INCREASED TO ENSURE THAT THE AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) SELF-ONLY.—Section 223 of the Internal Revenue Code of 1986 is amended by striking "$2,500" and inserting "$4,500".

(b) FAMILY COVERAGE.—Section 223 of the Internal Revenue Code of 1986 is amended by striking "$4,500" and inserting "$15,000".

(c) COST-OF-LIVING ADJUSTMENT.—Section 223 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (B) of such Code is amended—

(2) Nellis Air Force Base, Nevada.

(3) Creech Air Force Base, Nevada.

SA 645. Mr. Sasse submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McConnelly 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. 7. REPORT ON THE IMPACT OF THE YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY ON NELLIS AIR FORCE BASE AND CREECH AIR FORCE BASE, NEVADA.

Not later than one year after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary of the Air Force shall submit to Congress a report setting forth a study, conducted by the Secretary for purposes of the report, of operations at the Yucca Mountain Nuclear Waste Repository, including transportation routes, on operations at each of the following:

(1) Nellis Air Force Base, Nevada.

(2) Creech Air Force Base, Nevada.

SA 646. Mr. Sasse submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. McConnelly 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. 8. GAO ANALYSIS OF CO-OP PLANS.

Not later than 12 months after the date of enactment of this Act, the Secretary General of the United States shall conduct an analysis, and submit to Congress a report concerning the results of such analysis, of the health insurance plans participated in the Consumer Operated and Oriented Program under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 1802) and are no longer offering such a Plan under such program.
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. 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. SASS 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. 3. WAIVERS FOR STATE INNOVATION.

(a) In General.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18002) is amended—

(1) in subsection (a),—

(A) in paragraph (1)—

(i) by inserting ‘‘with respect to’’ before ‘‘shall’’; and

(ii) by inserting ‘‘shall’’ before ‘‘be considered’’;

(B) in paragraph (2)—

(i) by striking ‘‘that is budget neutral for the Federal Government’’ and inserting ‘‘and increasing enrollment in private health insurance; and’’; and

(ii) by inserting ‘‘by striking ‘‘(B) in paragraph (2)—’’ after ‘‘in paragraph (2)’’;

(c) in paragraph (3)—

(i) in subparagraph (C),—

(II) by striking ‘‘may repeal a law’’ and all that follows through ‘‘and the State plan under this subparagraph shall not be considered in determining whether the State plan increases the Federal deficit.’’;

(ii) by striking ‘‘shall’’; and

(B) in subparagraph (B) and inserting ‘‘shall’’; and

(ii) by inserting ‘‘shall’’ before ‘‘be considered’’;

(d) in paragraph (4)—

(i) by inserting ‘‘(A) PASS THROUGH OF FUNDING’’ and inserting ‘‘FUNDING’’;

(iv) by striking ‘‘With respect’’ and inserting the following:

‘‘(A) PASS THROUGH OF FUNDING.—With respect to any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.’’;

(iv) by inserting, after the fifth sentence of paragraph (3),—

‘‘(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services 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 purposes of carrying out an application for a waiver granted under this section and implementing the State plan under such waiver.

‘‘(C) AUTHORITY TO USE LONG-TERM STATE INNOVATION AND STABILITY ALLOTMENT.—If the State has an application for an allotment under section 2105(i) 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 this section, so long as such use is consistent with the requirements of paragraphs (1) and (7) of section 2105(i) of such Act (other than paragraph (1)(B) of such subsection) and the Secretary of Health and Human Services determines that the plan under this subparagraph shall not be considered in determining whether the Secretary plan increases the Federal deficit.’’;

(2) in subsection (e), by striking ‘‘No waiver’’ and all that follows through the period at the end and inserting the following: ‘‘A waiver under this section—

‘‘(1) shall be in effect for a period of 8 years unless the State requests a shorter duration; or

‘‘(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

‘‘(3) may not be cancelled by the Secretary before 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. 18002) shall apply as follows:

(1) in the case of a State for which a waiver under such section was granted prior to the date of enactment of this Act, such section shall apply to such State, and the Secretary may permit such State to extend such waiver for 2 years after the date of enactment of this Act;

(2) in the case of a State that submitted an application for a waiver under such section prior to the date of enactment of this Act, and which the Secretary has approved prior to such date, the State may elect to have such section, 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 shall apply, as amended by subsection (a), apply to such application and State plan.

SEC. 4. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) In General.—Section 602 of title 10, United States Code, is amended by adding at the end the following new section:


‘‘(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.

‘‘(2) 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) shall only use animal-based methods for such purpose.’’

(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary...
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."

(b) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary may determine. 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 of Defense 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) hemorrhage;

(B) tension pneumothorax;

(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.

(b) Clinical Amendment.—The table of sections in chapter 40 of title 10 of the United States Code, as amended by section 1275 of the NDAA for Fiscal Year 2017, as in effect on January 1, 2017, shall be amended to include the following—

‘‘(l) General.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces relating to the contractor’s work for the contractor exceeds a period of two years without final judgement or settlement, the Department of Defense may exercise its contractual right to manage the litigation on behalf of the contractor. In doing so, the Department shall ensure that the fiscal burden on taxpayers is minimized by avoiding unnecessarily long and expensive litigation, while simultaneously resolving the claim in a way that meets the Department’s obligations to members of the Armed Forces and their families fairly and in a timely manner.

(2) In subsection (b)(1)(B)—

(A) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(B) by striking ‘‘full’’.


(1) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(2) by striking ‘‘full’’.

SA 654. 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 in subtitle C of title XVI, insert the following:

SEC. 864. MODIFICATION OF LIMITATIONS ON RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION ACTIVITIES OF DEPARTMENT OF DEFENSE.

(a) Research and Development.—The term ‘‘principal’’; and

(b) Clinical Amendment.—The table of sections in chapter 40 of title 10 of the United States Code, as amended by section 1275 of the NDAA for Fiscal Year 2017, as in effect on January 1, 2017, shall be amended to include the following—

‘‘(l) General.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces relating to the contractor’s work for the contractor exceeds a period of two years without final judgement or settlement, the Department of Defense may exercise its contractual right to manage the litigation on behalf of the contractor. In doing so, the Department shall ensure that the fiscal burden on taxpayers is minimized by avoiding unnecessarily long and expensive litigation, while simultaneously resolving the claim in a way that meets the Department’s obligations to members of the Armed Forces and their families fairly and in a timely manner.

(2) In subsection (b)(1)(B)—

(A) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(B) by striking ‘‘full’’.


(1) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(2) by striking ‘‘full’’.

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, 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. 864. MODIFICATION OF LIMITATIONS ON RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION ACTIVITIES OF DEPARTMENT OF DEFENSE.

(a) Research and Development.—The term ‘‘principal’’; and

(b) Clinical Amendment.—The table of sections in chapter 40 of title 10 of the United States Code, as amended by section 1275 of the NDAA for Fiscal Year 2017, as in effect on January 1, 2017, shall be amended to include the following—

‘‘(l) General.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces relating to the contractor’s work for the contractor exceeds a period of two years without final judgement or settlement, the Department of Defense may exercise its contractual right to manage the litigation on behalf of the contractor. In doing so, the Department shall ensure that the fiscal burden on taxpayers is minimized by avoiding unnecessarily long and expensive litigation, while simultaneously resolving the claim in a way that meets the Department’s obligations to members of the Armed Forces and their families fairly and in a timely manner.

(2) In subsection (b)(1)(B)—

(A) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(B) by striking ‘‘full’’.


(1) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(2) by striking ‘‘full’’.

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, 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. 864. MODIFICATION OF LIMITATIONS ON RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION ACTIVITIES OF DEPARTMENT OF DEFENSE.

(a) Research and Development.—The term ‘‘principal’’; and

(b) Clinical Amendment.—The table of sections in chapter 40 of title 10 of the United States Code, as amended by section 1275 of the NDAA for Fiscal Year 2017, as in effect on January 1, 2017, shall be amended to include the following—

‘‘(l) General.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces relating to the contractor’s work for the contractor exceeds a period of two years without final judgement or settlement, the Department of Defense may exercise its contractual right to manage the litigation on behalf of the contractor. In doing so, the Department shall ensure that the fiscal burden on taxpayers is minimized by avoiding unnecessarily long and expensive litigation, while simultaneously resolving the claim in a way that meets the Department’s obligations to members of the Armed Forces and their families fairly and in a timely manner.

(2) In subsection (b)(1)(B)—

(A) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(B) by striking ‘‘full’’.


(1) by striking ‘‘exclusive’’ and inserting ‘‘principal’’; and

(2) by striking ‘‘full’’.
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. 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 the Department of Homeland Security, the Election Assistance Commission, the Election Assistance Commission Board, the Election Assistance Commission Board of Advisors, the Election Assistance Commission Technical Guidelines Development Activity, the National Association of Secretaries of State, the National Association of State Election Directors, the National Association of County Clerk—Recorders, the Multi-State Voting Equipment Testing Laboratory, the Information Sharing and Analysis Center, and other stakeholders the Commission determines 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 election equipment, the capture, analysis, and detection of activity, and the safeguards necessary to preserve the integrity of Federal elections.

(2) The potential to identify areas of improvement in election administration using varying types of election audits.

(3) The use of voting systems producing voter-verified paper ballots.

(4) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(5) Report and Recommendations.—Not later than the date that is 6 months after the date of enactment of this section, the Commission shall make a report to the Committees on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives on each of the studies conducted under this section.

(6) Expenditures.—The Commission shall not use the payment made to a State under this title for any purpose described in paragraphs (1) and (5) of subsection (b).

(2) Categorical Amendment.—The table of contents for such Act is amended by inserting after the item relating to section 247 the following new item:

"Sec. 248. Study and report on best practices for protecting the integrity of Federal elections."

(b) Election Technology Improvement Grants.

(1) In General.—The Commission shall make a payment in an amount determined under section 1003(c) to each State which meets the conditions described in this paragraph before the date described in paragraph (2) of subsection (c) of section 1003.

(2) Conditions for Payment.—A State shall be eligible to receive a payment under this title if the chief election official of the State, or designee, in consultation and coordination with the chief election official of the State, certifies to the Commission that—

(A) the State has implemented the recommendations of the Commission under section 248(d); and

(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) election management systems;

(iii) electronic poll books;

(iv) online voter registration systems;

(v) participation in the Election Registration Information Center;

(vi) accessible voting equipment; and

(vii) other technological upgrades identified by the Commission in the studies conducted under this section.

(c) Minimum Amount of Payment.—The amount of a payment made to a State under this title shall be equal to the product of—

(1) the total amount appropriated for payments pursuant to the authorization under section 1007; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(d) State Allocation Percentage Defined.—The State allocation percentage for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State (as reported in the most recent decennial census); and

(2) the total voting age population of all States (as reported in the most recent decennial census).

(e) Minimum Amount of Payment.—The amount of a payment made to a State under this title may not be less than—

(1) 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

(2) the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, one-tenth of 1 percent of such total amount.

(f) Pro Rata Reductions.—The Commission shall make such pro rata reductions to the payments determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

(g) Continuing Availability of Funds 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 election official of the State, or designee, in consultation and coordination with the chief election official of the State, certifies to the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State shall meet the requirements referred to in the previous sentence by filing with the Commission a statement which reads as follows:

"(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) Ensuring that 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 related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(I) The potential to identify areas of improvement in election administration using varying types of election audits.

(J) The use of voting systems producing voter-verified paper ballots.

(K) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(L) The potential to identify areas of improvement in election administration using varying types of election audits.

(M) The use of voting systems producing voter-verified paper ballots.

(N) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(O) The potential to identify areas of improvement in election administration using varying types of election audits.

(P) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(Q) The potential to identify areas of improvement in election administration using varying types of election audits.

(R) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(S) The potential to identify areas of improvement in election administration using varying types of election audits.

(T) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(U) The potential to identify areas of improvement in election administration using varying types of election audits.

(V) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(W) The potential to identify areas of improvement in election administration using varying types of election audits.

(X) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

(Y) The potential to identify areas of improvement in election administration using varying types of election audits.

(Z) Related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits."
Congressional Record — Senate
July 27, 2017

S4576

...hereby certifies that it is in compliance with the requirements referred to in section 1003(b) of the Help America Vote Act of 2002; (with the blank to be filled in with the State involved).

(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS.—

(1) IN GENERAL.—The requirements referred to in this subsection are as follows:

(A) The State has filed with the Commission a State plan which the State certifies—

(i) contains a description of each of the elements described in section 1004;

(ii) is developed in accordance with section 1005; and

(iii) meets the public notice and comment requirements of section 1006.

(B) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

(C) 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 1001(b)(1)(A) or the recommendations of the Commission under section 248(d)—

(i) the State’s proposed uses of the payment are not consistent with such recommendations; and

(ii) the use of the funds under this sub-paragraph is consistent with the requirements of section 1001(b)(2)(B).

(2) STATE PLAN REQUIREMENTS WITH RESPECT TO RISK AND VULNERABILITY ASSESSMENTS.—In the case of a State that has undergone a Security Risk and Vulnerability Assessment under the Department of Homeland Security with respect to the State’s election system, paragraph (1) shall not apply and the State shall be treated as having met the requirement that if the State has met the requirement of paragraph (1)(B) and has filed with the Commission a State plan which contains the elements described in section 1004 with respect to the recommendations of the Department of Homeland Security with respect to such assessment,

(C) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

(d) TIMING FOR FILING OF CERTIFICATION.—

(1) IN GENERAL.—A State may not file a certification under subsection (a) until the expiration of the 45-day period which begins on the date the State plan under this section has been published on both the website of the chief State election official and the website of the Election Assistance Commission pursuant to section 1005(b).

(2) EXCEPTION FOR RISK AND VULNERABILITY ASSESSMENT MATTERS.—Paragaph (1) shall not apply to any part of plan which is developed in connection with addressing recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A).

(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the ‘chief State election official’ of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State’s responsibilities under such Act.

SEC. 1004. STATE PLAN.

(a) IN GENERAL.—The State plan shall contain a description of each of the following:

(1) How the State will use the payment under this title—

(2) a description of how the plan was developed in connection with addressing recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A), if applicable; and

(3) the recommendations of the Commission under section 248(d); and

(b) PROTECTION AGAINST ACTIONS BASED ON INFORMATION OFFERED OR PROVIDED.—

(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this title.

(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

SEC. 1005. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY SUCH ACT.

(a) DEVELOPMENT OF PLAN.—The chief State election official shall develop the State plan under this title through a participatory process involving the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders, and other citizens, appointed for such purpose by the chief State election official.

(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this title, the Commission shall cause to have the plan published on both the website of the chief State election official and the website of the Election Assistance Commission.

SEC. 1006. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.

For purposes of section 1003(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:

(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 title for fiscal years 2013 and 2019.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 1008. REPORTS.

(a) An analysis and description of the activities funded under this title shall remain available without fiscal year limitation until expended.

(b) 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. 1008. Reports.

(a) (c) CONTRACTING ASSISTANCE.—The Administrator of the National Institute of Standards and Technology, 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 qualify a set of private sector organizations which are capable of providing cybersecurity services to States to secure their critical systems and infrastructure from cyber attacks;

(2) to establish contract vehicles to enable States to access the services of one or more such organizations; and

(3) to ensure that the such contract vehicles permit individual States to augment Federal funds with funding otherwise available to the States; and
(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.—In general.—Not later than 30 days after 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.—In subparagraph (a), 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 Committee on Rules, and 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:

Strike section 104 and insert the following:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking section 48 (and the item related to such section in the table of chapters) and the permanent Select Committee on Intelligence of the Senate.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 658. 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 in subtitle B of title XVI, insert the following:

SEC. 1... CONSIDERATION OF SERVICE BY RECIPIENTS OF FUNDING AND FELLOWSHIPS IN EXCEPTED SERVICE POSITIONS AS SERVICE BY SUCH RECIPIENTS UNDER CAREER APPOINTMENTS FOR PURPOSES OF CAREER TENURE.

Section 802(k) of the David L. Boren National Science Foundation Act of 1991 (50 U.S.C. 1902(k)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); (2) in paragraph (2), in the matter before subparagraph (A), by striking ‘‘(3)(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 659. 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 in title VI, insert the following:

SEC. ONE-YEAR PERIOD FOR ENROLLMENT IN THE SURVIVOR BENEFIT PLAN FOR ELIGIBLE PARTICIPANTS WHO MARRY A SAME-SEX SPOUSE UNDER AN EARLIER OR CURRENT MARRIAGE.

(a) IN GENERAL. —Notwithstanding any other provision of law, an 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 144(a)(3) of title 10, United States Code.

(b) OUTREACH ON ELECTION TO PARTICIPATE FOR SPOUSES UNDER MARRIAGE ELIGIBILITY. —The Secretary of Defense shall authorize the Department of Defense to undertake an 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 144(a)(3) of title 10, United States Code, for individuals who marry, including individuals with same-sex spouses, after becoming eligible to participate in the Plan.

(c) SURVIVOR BENEFIT PLAN DEFINED. —In this section, the term ‘Survivor Benefit Plan’ means the benefit plan established by subchapter H of chapter 73 of title 10, United States Code.

SA 660. 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 in subtitle B of title VI, insert the following:

SEC. 12... 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 place, insert the following:

SEC. 13. NATIONAL GUARD AND RESERVE EN- TREPRENEURSHIP 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), by striking clause (ii); (ii) by redesigning clause (i) as clause (ii); (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 clause (ii), as so redesignated, by adding ‘‘and’’ at the end;
(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"

(ii) in subparagraph (C), by striking "active duty" each place it appears and inserting "active service"; and

(iv) in subparagraph (G)(ii)(I), by striking "active duty" and inserting "active service";

(b) In section 1630a(a)(1)(A) of title 10, United States Code—

(i) in the subsection heading, by striking "active duty" and inserting "active service"

(ii) in paragraph (1)—

(1) by striking subparagraph (C);

(iii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(iv) 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.

(B) 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";

(iii) in paragraph (2)(B), by striking "active duty" each place it appears and inserting "active service".

(2) APPLICABILITY.—The amendments made by paragraph (1)(A) shall apply to an "active duty" each place it appears and inserting "active service" each place it appears 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) APPLICABILITY.—The amendments made by paragraph (1)(A) shall apply to an "active duty" each place it appears and inserting "active service" each place it appears 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".

(3) SEMIANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and semianually thereafter, the President shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the number of loans made under the Military Reservist Economic Injury Disaster Loan program and the dollar volume of those loans. The report shall contain the subsidy rate of the disaster loan program as authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) with the loans made under the Military Reservist Economic Injury Disaster Loan program and without those loans included.

(4) TECHNICAL AND CONFORMING AMENDMENT.—The Small Business Act (15 U.S.C. 637(1)) is amended—

(A) by striking "The Administration" and inserting the following:

"(1) IN GENERAL.—The Administration;"

(B) by striking "(as defined in section 7(n)(1));" and

(C) by adding at the end the following:

"(3) P ERIOD OF APPOINTMENT ; VACANCIES.—

(a) E STABLISHMENT.—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.—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—

(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 the Middle East and the conflict in Syria, including a review of current United States objectives in Syria and the desired end state in Syria.

(2) ASSESSMENT AND RECOMMENDATIONS.—

(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.

(C) PREPAREDNESS FROM UNITED STATES GOV—

(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) LIASON.—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 all 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 after the withdrawal of Syrian and Russian forces and the actions necessary for reconciliation.

(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) INTERIM BRIEFING.—Not later than June 30, 2017, the Group shall provide to the Committee on Armed Services of the Senate and the House of Representatives a briefing on the status of its review and assessment under paragraph (1), together with a discussion of any interim recommendations developed by the Group as of the date of the briefing.

(3) FORM OF REPORT.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(g) TERMINATION.—The United States Institute of Peace shall take appropriate actions to facilitate the Group in the discharge of its duties under this section.

(h) T ERMINATION.—The Group shall terminate six months after the date on which it submits the report required by subsection (f)(1).

(i) PUNITIVE.—Of the amounts authorized to be appropriated for fiscal year 2018 for the Department of Defense by this Act, $1,500,000 is available to fund the activities of the Group.

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; as follows:

(1) Strike all after the first word and insert the following:

SHORT TITLE. This Act may be cited as the “Health Care Freedom Act of 2017.”

TITLE I

SEC. 101. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (3), by striking “2.5 percent” and inserting “Zero percent”, and

(2) in paragraph (3)—

(A) by striking “$695” in subparagraph (A) and inserting “$0”, and

(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 “$2,250” after “$4,500” and before “$6,750”, and in paragraph (3)—

(A) by striking “$695” in subparagraph (A) and inserting “$0”, and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2016.

SEC. 103. E XCLUSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting “$90 in the case of months beginning after December 31, 2015, and before January 1, 2022)” after “$2,000”.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting “$90 in the case of months beginning after December 31, 2015, and before January 1, 2022)” after “$3,000”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 104. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) IN GENERAL.—

(1) Section 223 of the Internal Revenue Code of 1986 is amended by striking “$3,650” and inserting “$4,500”.

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

SEC. 105. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 1397a), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided 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 directly to the 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

(iii) provides for abortions, other than an abortion to prevent a serious health hazard to the mother;

(B) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a disorder, physical injury, or physical illness caused by or arising from the pregnancy itself; and

(C) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or any waiver approved under section (c)(2)(A)(ii)(I)” for '$4,500’.”.

(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. 904(c)).

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 402 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 2010 and 2011” and inserting “fiscal year 2010; and

(2) by striking paragraphs (4) through (8).
SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medical and Community Health Improvement and Medicaid CHIP Reauthorization Act of 2015 (Public Law 114–10, 128 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting— and an additional $2,022,000,000 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. 1897) 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: “A State may request that all of, or a portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.”;

(C) in the paragraph heading, by striking—

“FUNDING”;

(D) by striking “With respect” and inserting the following—

“(A) PASS THROUGH OF FUNDING.—With respect”; and

(E) by adding at the end the following:

”(B) ADDITIONAL FUNDING.—There is appropriated to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,022,000,000, to remain available until the end of fiscal year 2019. Such amounts shall be used to provide grants to States that request financial assistance for the purpose of—

“(1) submitting an application for a waiver granted under this section; or

“(2) implementing the State plan under such waiver.”

(2) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking “may” and inserting “shall”; and

(B) by striking “only”;

(3) in subsection (d)(1), by striking “180” and inserting “45”;

and

(4) in subsection (e), by striking “No waiver” and all that follows through the following: “A waiver under this section—

“(1) may be in effect for a period of 8 years unless the State requests a shorter duration;

“(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

“(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).”.

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. 945. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking “2.5 percent” and inserting “Zero percent”;

(2) in paragraph (3) 

(A) by striking “$955” in subparagraph (A) and inserting “$0”;

and

(B) by striking subparagraph (D);

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

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 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 VII, add the following:

SEC. 204. TRAINING REQUIREMENT FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE PRESCRIBING OPIOIDS FOR TREATMENT OF PAIN.

(a) TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that health care professionals of the Department of Defense, other than pharmacists, who are authorized to prescribe or otherwise dispense opioids for the treatment of pain—

(A) complete the training described in paragraph (2) not less frequently than once every three years; or

(B) are licensed in a State that requires training that is equivalent to or greater than the training described in paragraph (2) with respect to the prescribing or dispensing of opioids for the treatment of pain.

(2) TRAINING DESCRIBED.—

(A) IN GENERAL.—The training described in this paragraph is not to be less than 12 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by one or more training organizations specified in subparagraph (B) with respect to—

(i) pain management treatment guidelines and best practices;

(ii) early detection of opioid addiction; and

(iii) the treatment and management of opioid-dependent patients.

(B) ORGANIZATIONS SPECIFIED.—The organizations specified in this subparagraph are the following:

(i) The American Society of Addiction Medicine.


(iii) The American Medical Association.


(vii) The American Pain Society.


(ix) The American Board of Pain Medicine.

(x) The American Society of Interventional Pain Physicians.

(xi) Such other organizations as the Secretary of Defense determines appropriate for purposes of this subsection.

(b) ESTABLISHMENT OF TRAINING MODULES.—

(1) IN GENERAL.—The Secretary of Defense shall establish or support the establishment of one or more training modules to be used to provide the training required under subsection (a).

(2) SUPPORT FOR ORGANIZATIONS.—The Secretary may support the establishment of a training module under paragraph (1) by—

(A) an organization specified in paragraph (2)(B) of subsection (a); or

(B) any other organization that the Secretary determines is appropriate to provide the training required under such subsection.

SA 671. Ms. DUCKWORTH (for herself and Mr. DURBin) 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 B of title VII, add the following:

SEC. 206. IMPLEMENTATION OF GAO RECOMMENDATIONS TO IMPROVE MEDICAL UTILITIES AND OPIODS FOR THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and submit to Congress a comprehensive and detailed strategic implementation plan to fully implement all 14 open recommendations, as of such date of enactment, produced by the Government Accountability Office in relation to its report titled “GAO-15-650F: Need to Address Ongoing Difficulties and Better Prepare for Future Integrations” that was published on February 29, 2016.

(b) ADDITIONAL FUNDING.—There is appropriated to the Secretary of Defense and the Secretary of Veterans Affairs to publish the strategic implementation plan developed under subsection (a) on the public Internet website of the Department of Defense and the Department of Veterans Affairs, respectively.

(c) PUBLICATION.—Not later than 180 days after publication of the strategic implementation plan, the Secretary of Defense and the Secretary of Veterans Affairs shall develop and submit to Congress an implementation plan for ensuring that such guidance is provided to all Integrated Service Delivery System and the Department of Defense, to prescribe all open recommendations described in subsection (a).

SA 670. Mr. TESTER (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 281 intended to be 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 title A of title VII, add the following:

SEC. 206. EXPANSION OF AVAILABILITY FROM THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA FOR MEMBERS OF THE ARMED FORCES.

Section 1702(a)(2)(A) of title 38, United States Code 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.

SA 672. Mrs. GILLBRAND 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 D of title V, add the following:

PART III—DISPOSITION OF CHARGES AND CONVENING OF COURTS-MARTIAL FOR CERTAIN OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE

SEC. 4. SHORT TITLE.

This part may be cited as the “Military Justice Improvement Act of 2017.”

SEC. 5. 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 preferal 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.

(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 paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice);

(A) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(B) have significant experience in trials by general or special court-martial; and

(C) are outside the chain of command of the member subject to such charges.

(2) Upon a determination under paragraph (1) to refer charges to a court-martial for trial, the officer making that determination shall designate whether the preferred charges or refer such charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses. The officer making that determination shall determine whether to prefer charges or refer charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses.

(3) A determination under paragraph (1) to prefer charges or refer charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses. A determination under paragraph (1) to prefer charges or refer charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses. A determination under paragraph (1) to prefer charges or refer charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses.

(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 833(b) of title 10, United States Code (article 34 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 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(c) EXCLUDED OFFENSES.—Subsection (a) does not apply to charges under:

(1) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice);

(2) An offense under sections 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(3) A conspiracy to commit an offense specified in paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice);

(4) A solicitation to commit an offense specified in paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice);

(5) A solicitation to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice); and

(6) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) EXCLUDED OFFENSES.—Subsection (a) does not apply to charges under:

(1) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice);

(2) An offense under sections 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(3) A conspiracy to commit an offense specified in paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice);

(4) A solicitation to commit an offense specified in paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice);

(5) A solicitation to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice); and

(6) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(e) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this section shall be construed to alter or affect the preferal, discretion or referral authority of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(f) POLICIES AND PROCEDURES.

(1) 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 revise policies and procedures as necessary to comply with this section.

(2) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under paragraph (1) to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(g) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall make such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this section.

SEC. 6. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL FOR CERTAIN OFFENSES UNDER UCMJ WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesigning paragraphs (b) and (c) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following paragraph, as so revised:

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—Such section if the officer is in the chain of command of the member subject to such charges.

(2) Upon a determination under paragraph (1) to refer charges to a court-martial for trial, the officer making that determination shall designate whether the preferred charges or refer such charges to a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice); or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(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 833(b) of title 10, United States Code (article 34 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 832 of title 10, United States Code (article 32 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).

(5) A solicitation to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(6) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 880 of title 10, United States Code (article 80 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 subparagraph (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 (a).

SEC. 6. 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 10101 of title 10, United States Code, and the amendments made by such sections to equip leadership with the ability to manage diversity, reflect the values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(b) SECURITY OF THE UNITED STATES.—The term ‘‘security of the United States’’ means an individual serving in a position—

(1) as a member of the armed forces, including the Coast Guard; and

(2) as a member of an armed force, including the armed force described in section 10101 of title 10, United States Code.

(c) DETAILED CONSULTATION.—In this section, the term ‘‘detailed consultation’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(d) TALKING WITH YOU.—The term ‘‘talk with you’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(e) MEMORANDUM OF UNDERSTANDING.—The term ‘‘memorandum of understanding’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(f) DEFENSE OF THE UNITED STATES.—The term ‘‘defense of the United States’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(g) 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 values of the United States of America.

(h) DETAILED CONSULTATION.—The term ‘‘detailed consultation’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(i) SECURITY OF THE UNITED STATES.—The term ‘‘security of the United States’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(j) 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 consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(k) TALKING WITH YOU.—The term ‘‘talk with you’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(l) MEMORANDUM OF UNDERSTANDING.—The term ‘‘memorandum of understanding’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(m) DEFENSE OF THE UNITED STATES.—The term ‘‘defense of the United States’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(n) TALKING WITH YOU.—The term ‘‘talk with you’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(o) DEFENSE OF THE UNITED STATES.—The term ‘‘defense of the United States’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(p) 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 consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(q) TALKING WITH YOU.—The term ‘‘talk with you’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(r) MEMORANDUM OF UNDERSTANDING.—The term ‘‘memorandum of understanding’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(s) DEFENSE OF THE UNITED STATES.—The term ‘‘defense of the United States’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(t) TALKING WITH YOU.—The term ‘‘talk with you’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(u) MEMORANDUM OF UNDERSTANDING.—The term ‘‘memorandum of understanding’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(v) DEFENSE OF THE UNITED STATES.—The term ‘‘defense of the United States’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(x) 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 consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(y) TALKING WITH YOU.—The term ‘‘talk with you’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.

(z) MEMORANDUM OF UNDERSTANDING.—The term ‘‘memorandum of understanding’’ means an inclusive work environment that culminates in personal and professional development, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and values of the United States of America.
(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, consistent, and timely manner; and

(G) recruit a diverse workforce by—

(i) recruiting women, minorities, veterans, and undergraduate and graduate students;

(ii) recruiting at historically Black colleges and universities, Hispanic serving institutions, women’s colleges, and colleges that typically serve minority populations;

(iii) sponsoring and recruiting at job fairs 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.

(A) understand the reasons of the members of the Department for leaving.

(B) receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of the members to remain.

(2) TRANSFERRED MEMBERS.—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 the 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 include 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.

(2) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.

(1) 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;

(iv) professional schools of international affairs;

(2) 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) complies with the requirements of subpart C of part 112 of title 5, United States Code, with respect to the members of the workforce of the Department; and

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs.

(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 applicants;

(B) have diversity recruitment as a goal of the human resources department or equivalent entity, with outreach at appropriate colleges, universities, and diversity organizations and professional associations; and

(C) intensify, identify, and build relationships with qualified potential minority candidates.

(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 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 Affairs 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 "and the Committee on Foreign Relations of the Senate and the House of Representatives" before "a report".

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 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. 638. 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 redesignating section 6387 as section 6388; and

(2) by inserting after section 6386 the following:

"6387. Department of Defense family and medical leave banks

(1) "DEFINITIONS.—In this section—

(A) 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);

(B) the term 'Department' means the Department of Defense;

(C) the term 'designated unit' means any active duty component, or other administrative unit of the Department designated by the Secretary under subsection (b)(1);
"(4) the term ‘family and medical leave bank’ means a family and medical leave bank established under subsection (b)(2);''

"(5) the term ‘leave recipient’ means a covered DOD employee whose application is approved under section (e)(1) to receive leave from a family and medical leave bank is approved; and''

"(6) the term ‘Secretary’ means the Secretary of Defense.''

"(b) Establishment of Family and Medical Leave Banks.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall—''

(1) designate the agencies, components, or other administrative units of the Department of Defense, which may operate a separate family and medical leave bank; and''

(2) establish a family and medical leave bank for each designated unit.

"(c) Use of Family and Medical Leave Banks.—''

(1) In General.—For each family and medical leave bank established by the Secretary, the Secretary shall establish a Family and Medical Leave Bank Board consisting of 3 members, at least 1 of whom shall represent a labor organization or employee group, to administer the family and medical leave bank, in consultation with the Office of Personnel Management.''

"(2) Proceedings.—''

(A) Family and Medical Leave Bank Board shall—''

(1) review and determine whether to approve applications to the family and medical leave bank in accordance with section (e)(1);''

(2) monitor each case of a leave recipient;''

(3) monitor the amount of leave in the family and medical leave bank and the number of applications for use of leave from the family and medical leave bank; and''

(4) maintain an adequate amount of leave in the family and medical leave bank to the greatest extent practicable.

"(3) Qualifying Family and Medical Events.—To the greatest extent practicable, each Family and Medical Leave Bank Board shall—''

(A) establish criteria for determining whether, for purposes of this section, a circumstance described in section 6382(a)(1) exists.

(B) authorizing the use of leave by a covered DOD employee, the amount equal to the product obtained by multiplying—''

(i) the number of hours in the regularly scheduled workweek of the part-time covered DOD employee by''

(ii) the number of hours in the regularly scheduled workweek of a covered DOD employee serving in a comparable position on a full-time basis.

(C) Transferring Leave.—The Secretary shall transfer to a covered DOD employee whose application is approved under paragraph (2)(A) the number of hours of leave specified in subparagraph (2)(B) from the family and medical leave bank for the designated unit employing the covered DOD employee.

(D) Use of Leave.—''

(1) Coordination with Existing FML.—A leave recipient who is entitled to leave under section 6382(a)(1) shall use any leave transferred to the leave recipient from a family and medical leave bank in accordance with section 6382(d)(2).

(2) Failure to Use Leave.—''

(A) A covered DOD employee who is transferred leave before using leave described in subparagraph (B) shall forfeit the leave recipient; and''

(B) shall be credited to the family and medical leave bank from which the leave was transferred.

(3) Start of Period for Use.—The date described in this subparagraph is the later of—''

(i) the date on which the circumstance described in section 6382(a)(1) arises; or''

(ii) the date on which leave is transferred to the covered DOD employee under subsection (e)(4).''

(b) Use of Family and Medical Leave.—Section 6382(d) of title 5, United States Code, is amended—''

(1) by inserting ‘‘(1)’’ before ‘‘An employee’’;''

(2) by inserting ‘‘(2) The total amount reimbursement''

(i) application fees to a State board, association, or other certifying or licensing body;''

(ii) examination and registration fees paid to a licensing body;''

(iii) Costs of additional coursework required for eligibility for licensing or certification specific to a State concerned (other than costs in connection with continuing education courses).''

(3)(A) The total amount of reimbursement under this paragraph in any fiscal year may not exceed $500.

(B) Reimbursements under this paragraph may be limited by the State of the member concerned.

(4) Application for Leave.—''

(1) Application for leave by a covered DOD employee who is or anticipates being absent from regularly scheduled duty at a state medical leave bank of the designated unit employing the covered DOD employee which shall contain such information as the Secretary, in consultation with the Director of the Office of Personnel Management, shall by regulation prescribe.

(2) Determination.—A Family and Medical Leave Bank Board may—''

(A) approve an application submitted under paragraph (1); and''

(B) specify the amount of leave that shall be transferred to a covered DOD employee whose application is approved.

(3) Maximum Amount of Leave.—''

(A) In General.—A Family and Medical Leave Bank Board may not specify an amount of leave to be transferred to a covered DOD employee that is more than the amount of leave described in subparagraph (B).

(B) Amount.—The amount described in this subparagraph is—''

(i) with respect to a full-time covered DOD employee, 12 weeks; and''

(ii) with respect to a part-time covered DOD employee, the amount equal to the product obtained by multiplying—''

(i) the number of hours in the regularly scheduled workweek of the part-time covered DOD employee by''

(ii) the number of hours in the regularly scheduled workweek of a covered DOD employee serving in a comparable position on a full-time basis.

(4) Transfer.—The Secretary shall transfer leave to a covered DOD employee whose application is approved under paragraph (2)(A), the number of hours of leave specified in subparagraph (2)(B) from the family and medical leave bank for the designated unit employing the covered DOD employee.

(5) Reimbursement.—''

(A) Application Fees.—''

(i) Application fees to a State board, association, or other certifying or licensing body;''

(ii) Exam fees and registration fees paid to a licensing body;''

(iii) Costs of additional coursework required for eligibility for licensing or certification specific to a State concerned (other than costs in connection with continuing education courses).''

(B) Reimbursements under this paragraph may be limited by the grade of the member concerned.

(6) The total amount reimbursement under this paragraph in any fiscal year may not exceed $2,000,000.

(7) Reimbursements under this paragraph shall be distributed on a quarterly basis.
army, 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. ___ 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 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 and the Freely Associated 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 in the Freely Associated States and the Pacific region.

(c) 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 in the Freely Associated States and the Pacific region.

(d) Any other matters the Senate considers appropriate for purposes of the study.

(c) DEFENSE REPORT.—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 carry out 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 Senate shall submit to the Senate, pursuant to section 332(a), 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. ___ REALLOCATION OF FUNDS AVAILABLE FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE TO MILITARY PERSONNEL STRENGTHS AND OTHER PURPOSES.

(a) AVAILABILITY OF FUNDS.—The amount authorized to be appropriated for fiscal year 2018 for 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 capabilities to counter violations of the INF Treaty by the Russian Federation.

(b) REDUCTION OF AMOUNTS FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE.—The amount authorized to be appropriated for fiscal year 2018 by section 201 is hereby reduced by $65,000,000, with the amount of the reduction to be applied against amounts available for research, development, test, and evaluation of the ground-launched intermediate range missile.

(c) INF TREATY DEFINED.—In this section, the term ‘INF Treaty’ means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Short-Range Missiles, concluded at Washington December 8, 1987, and entered into force June 1, 1988.

SA 680. Mr. BOOZMAN 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. ___ 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 the support requirements for maintenance, storage, inspection, and distribution of specialized chemical, biological, radiological, and nuclear equipment at the Joint Chemical-Biological Defense Logistics Center.

(3) A definition 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.).
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 AUDIT FUND.

(a) IN GENERAL.—If the Department of Defense does not obtain a qualified audit opinion on any statement of financial statements for fiscal year 2018 by March 31, 2018, 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) AMOUNTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

(3) 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 those under which the amounts were appropriated, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to any 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 of Energy, to pre-
exposure vectors, and such assessment shall—
(A) include—
(i) a statistical sample at each installation, to be determined by the Secretary of Health and Human Services;
(ii) blood testing and bio-monitoring for assessing such contamination;
(B) conclusions no later than 2 years after the date of enactment of this Act; and
(C) produce findings, which shall be—
(i) used to help design the study described in paragraphs (A) and (B); and
(ii) released to the appropriate congressional committees not later than 1 year after the conclusion of such assessment;

SEC. 685. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2016 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 1655, add the following:
(e) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2016 may be used for an action that is not permitted under the INF Treaty on the date of the enactment of this Act.

SEC. 686. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2016 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. 1947. WOMEN'S HEALTH CARE PROGRAM.
Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

(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, 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
(II) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;
(B) significant destructive malware attacks; and
(C) significant denial of service activities.

SEC. 687. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2016 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), add the following:
(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 made available to such individuals under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance.
(2) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives the standards developed under paragraph (1).
(b) CONDITIONAL RECOMMENDATION BY COMPTROLLER GENERAL.—If the Secretary does not, on or before the date that is 180 days after the date of the enactment of this Act, submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives the standards that protect individuals as described in such subsection, the Comptroller General of the United States shall, not later than the date that is 540 days after the date of enactment of this Act, conclude no later than 2 years after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the findings of the Comptroller General with respect to such study.

SEC. 688. Mr. MARKEY 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. 147. 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 produced a conference report with respect to this Act, and such conference report has passed the Senate and the House of Representatives. The conference committee shall hold multiple public meetings and consider the input of stakeholders.

SEC. 690. Ms. MURKOWSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 687 submitted by Mr. CARDIN (for himself and Ms. STABENOW) and intended to be proposed 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.

SEC. 691. Mr. BLUMENTHAL 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:

Strike section 202 and insert the following:

SEC. 697. WOMEN'S HEALTH CARE PROGRAM.
Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

(a) IN GENERAL.—Notwithstanding section 186 of the Health Care Freedom Act, the Secretary shall award funds on a competitive basis to any entity that is listed as a family planning essential community provider for the provision of family planning, reproductive health, and related services during the 1 year period that begins on the date of the enactment of such Act.

(b) 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. PERKS, Mr. MARKET, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 310, 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, 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 "$3,369,068".

In the funding table in section 4101, in the first 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 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. 310, 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 X, add the following:

SEC. 3020. PAY FOR CERTAIN EMPLOYEES AND CONTRACTORS WORKING IN SENSITIVE SECURITY ENVIRONMENTS.

(a) FEDERAL EMPLOYEES.

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.

(A) Definitions.—In this section—

(1) the term 'wage area' means a local wage area established under section 5343; and

(2) the term 'position in a sensitive security environment' means a position in which individual—

(A) is required to have a security clearance; or

(B) performs not less than 50 percent of the official duties of the individual—

(i) for an element of the intelligence community (as defined under section 3 of the National Security Act of 1947 (50 U.S.C. 3003(4)));

(ii) for a laboratory or research center overseen by the Office for National Laboratories of the Department of Homeland Security;

(iii) at an airport; or

(iv) at a military installation.

(B) Pay limitation.—The rate of basic pay for a prevailing wage employee in a position in a sensitive security environment shall be not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the employee.

(2) Technical and conforming amendment.—The table of sections for subchapter VII 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.

(3) Effective date.—The amendment made by this subsection shall take effect on the first day of the first pay period beginning after the date of enactment of this Act.

(b) PRIVATE EMPLOYERS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

"(b) Minimum wage for employees in sensitive security environments.—

(1) Definition of covered employee.—In this subsection, the term 'covered employee' means an employee who—

(A) is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce;

(B) performs duties described in section 5342(a)(2) of section 5, United States Code; and

(C) is employed in a position in a sensitive security environment, as defined in section 5349A(a) of title 5, United States Code.

(2) Wage required in sensitive security environments.—In lieu of any rate prescribed under subsection (a), (b), or (e), any employer shall pay a covered employee a wage rate that is not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the employee.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect beginning on the date that is 1 year after the date of enactment of this Act.

(c) FEDERAL CONTRACTOR REQUIREMENT.—

By not later than 1 year after the date of enactment of this Act, the Federal Acquisition Regulation Council for the Federal Acquisition Regulation to require that all Federal contracts for the provision of property or services include a requirement that the contractor comply with the requirements of section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(h)).

SA 694. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 310, 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 X, add the following:

SEC. 3037. SENSITIVE SECURITY ENVIRONMENTS.—

(A) Definitions.—In this section—

(1) the term 'local wage area' means a local wage area established under section 5343; and

(2) the term 'covered employee' means an employee who—

(A) is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce;

(B) performs duties described in section 5342(a)(2) of section 5, United States Code; and

(C) is employed in a position in a sensitive security environment, as defined in section 5349A(a) of title 5, United States Code.

(B) Wage required in sensitive security environments.—In lieu of any rate prescribed under subsection (a), (b), or (e), any employer shall pay a covered employee a wage rate that is not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the employee.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect beginning on the date that is 1 year after the date of enactment of this Act.

(c) FEDERAL CONTRACTOR REQUIREMENT.—

By not later than 1 year after the date of enactment of this Act, the Federal Acquisition Regulation Council for the Federal Acquisition Regulation to require that all Federal contracts for the provision of property or services include a requirement that the contractor comply with the requirements of section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(h)).

SEC. 3057. SHARK FIN TRADE ELIMINATION.

(A) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystems 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 a small number of 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 being harvested 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 is 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 is 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 American Samoa, 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 purchased anywhere 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.—Except as provided 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 or Federal permit 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.

(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.

(3) 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.

(4) 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 a regulation or standard that is more stringent than a regulation or standard in effect under this section.

(5) 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. CAPITTO, 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:


(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) APPROVAL OF INCLUSION.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of the Inte
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SA 696. 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 G of title X, add the following:

SEC. 5. INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF OTHER VIETNAM 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 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. 7. PROHIBITION ON AVAILABILITY OF FUNDS FOR MILITARY ACTIVITIES OF VETSWARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act for fiscal year 2018 for the Department of Defense may be obligated or expended to
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 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 C of title VII, add the following section:

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 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 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. 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 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:
SECTION 1701. SHORT TITLE.

This title may be cited as the “Online Safety Modernization Act of 2017”.

PART I.—INTERSTATE SEXTORTION PREVENTION

CHAPTER 124.—COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS

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

"§ 2751. Definitions.

"§ 2752. Coercion of sexual acts.

"§ 2753. Coerced production of sexually intimate visual depictions.

"§ 2754. Coerced production of sexually intimate visual depictions.

"§ 2755. Coercion using sexually intimate visual depictions.

"§ 2756. Extortion using sexually intimate visual depictions.

"§ 2757. Offenses involving minors.

"§ 2758. Offenses resulting in death or serious bodily injury.

"§ 2759. Attempt.

"§ 2760. Forefeitures.

"§ 2761. Mandatory restitution.

"§ 2763. Civil action.

"§ 2751. Definitions.

"In this chapter:

(1) ACTUAL DEPICTION.—The term ‘actual depiction’ means a depiction that has not been fabricated or materially altered to change the appearance or physical characteristics of any individual, object, or activity depicted.

(2) COERCION.—The term ‘coercion’ means—

(A) a threat of serious harm to or physical restraint against any individual;

(B) a scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any individual; or

(C) the abuse or threatened abuse of law or the legal process.

(3) COMPUTER-GENERATED SEXUALLY INTIMATE VISUAL DEPICTION.—The term ‘computer-generated sexually intimate visual depiction’ means a depiction that has been created, adapted, or modified through the use of any computer technology to appear to be a sexually intimate visual depiction.

(4) CRIMINAL ACTION.—The term ‘criminal action’ includes an investigation and prosecution that is pending, until final adjudication in the trial court.

(5) IMMEDIATE FAMILY MEMBER.—The term ‘immediate family member’, with respect to an addressee, means—

(A) the individual’s parent, legal guardian, grandparent, sibling, child, or grandchild of the addressee, or an individual for whom the addressee serves as legal guardian; or

(B) any individual living in the household of the addressee and related to the addressee by blood or marriage.

(6) INDISTINGUISHABLE.—The term ‘indistinguishable’, with respect to a computer-generated sexually intimate visual depiction—

(A) means virtually indistinguishable, in that the computer-generated sexually intimate visual depiction is such that an ordinary person viewing the computer-generated depiction would not know that the computer-generated depiction is an actual depiction of the addressee or of an immediate family member or intimate partner of the addressee; and

(B) does not apply to a depiction that is a drawing, cartoon, sculpture, or painting depicting any individual.

(7) INTIMATE PARTNER.—The term ‘intimate partner’, with respect to an addressee, means an individual who is or has been in a social relationship of a romantic or intimate nature with the addressee, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

(8) MINOR.—The term ‘minor’ means any individual who has not attained the age of 18 years.

(9) PRODUCE.—The term ‘produce’ means to create, make, manufacture, photograph, film, videotape, record, or transmit live a sexually intimate visual depiction.

(10) PUBLISH.—The term ‘publish’—

(A) means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available; and

(B) includes the hosting or display on the Internet.

(11) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, prostration and permanent disfigurement, or trauomatized loss or impairment of the function of a bodily member, organ, or mental faculty.

(12) SEXUAL ACT.—The term ‘sexual act’ means—

(A) any genital to genital, oral to genital, anal to genital, or oral to anal contact, not through the clothing;

(B) the penetration, however slight, of the anal or genital opening of any individual by a hand or finger or by any object; or

(C) the intentional touching, not through the clothing, of the genitalia of or by any individual.

(13) SEXUAL CONTACT.—The term ‘sexual contact’ means—

(A) sexual activity that includes an intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, or the intentional penetration or transfer of male or female ejaculate onto any part of another person’s body.

(14) 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 undeveloped 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;

(B) any actual or simulated sexual contact or sexual act;

(C) bestiality; or

(D) sadistic or masochistic conduct.

§ 2752. Coercion of sexual acts.

(a) IN GENERAL.—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.

(b) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

§ 2753. Coercion of sexual contact.

(a) IN GENERAL.—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.

(b) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

§ 2754. Coerced production of sexually intimate visual depictions.

(a) DEFINITION.—In this section, the term ‘sexually intimate visual depiction’ does not include any computer-generated sexually intimate visual depiction.

(b) GENERAL PROHIBITION.—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.

(c) 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 in or affecting interstate or foreign commerce, including by computer;

(4) transmitted or transmitted in or affecting interstate or foreign commerce; or

(5) 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, 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 5 years, or both.

(e) OFFENSES INVOLVING MINORS.—Notwithstanding any other provision of law, in any case involving a victim under the age of 18 in which the sexually intimate visual depiction constitutes child pornography, as defined in section 2256(b), the offender shall be punished as provided in section 2251(e).

§ 2755. Coercion 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 exhort 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 cause a person to produce a sexually intimate visual depiction of an individual, to knowingly transmit any 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 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(b), the offender shall be punished as provided in section 2251(e).

(b) OFFENSES INVOLVING MINORS UNDER 12.—If conduct that violates this chapter involves a victim who has attained the age of 12 years and has not attained the age of 18 years, the maximum term of imprisonment authorized for that offense shall be increased by 5 years.

(c) OFFENSES INVOLVING MINORS UNDER 12.—If conduct that violates this chapter involves a victim who has attained the age of 12 years and has not attained the age of 18 years, the maximum term of imprisonment authorized for that offense shall be increased by 5 years.

§ 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 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), or 2756(b)(1) shall constitute an attempt to commit the same violation, as defined in section 3556, under section 2251(e), and section 2251(a), 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), 2756(b)(1), or 2756(b)(1), respectively.

§ 2760. Repeat offenders

(a) DEFINITIONS.—In this section—

(i) the term ‘prior sex offense conviction’ means a conviction for an offense—

(A) under—

(1) chapter 109A, 110, or 117; or

(ii) section 1591, 2752(a), 2753(a), or 2754(b)(1) (if punishable under section 2752(a)(A));

(B) under State law or the Uniform Code of Military Justice involving an offense described in subparagraph (A) or would be such an offense if committed within any substances supporting Federal jurisdiction; and

(ii) the term ‘State’ means any State of the United States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

(b) MAXIMUM TERM OF IMPRISONMENT.—Except as provided in paragraph (1), the maximum term of imprisonment authorized for a violation of section 2752(a) or 2753(a), or a violation of paragraph (1) of section 2754(a) that is punishable under paragraph (2)(A) of that section, after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided under this chapter.

§ 2761. Forfeiture

(a) CRIMINAL FORFEITURE.—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence authorized by law, the person to forfeit to the United States—

(1) any property, real or personal, used or intended to be used to commit or facilitate the commission of the violation; and

(2) any property, real or personal, constituting or derived from the proceeds that the person obtained, directly or indirectly, as a result of the violation.

(b) CIVIL FORFEITURE.—

(1) IN GENERAL.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any property, real or personal, used or intended to be used to commit or facilitate the commission of any violation of this chapter.

(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

(C) Any visual depiction that was produced or transmitted in or otherwise used to produce a violation of this chapter.

(D) Any visual depiction that was produced or transmitted in or otherwise used to produce any offense if committed under circumstances prescribed in subparagraph (A) or would be such an offense if committed under the Uniform Code of Military Justice involving an offense described in subparagraph (A) or would be such an offense if committed under the Uniform Code of Military Justice.

(b) USE OF NON-FORFEITED ASSETS.—A person who applies any proceeds that are not forfeited under subsection (a) may transfer assets forfeited under this section, or the proceeds derived from the sale thereof, to satisfy a victim restitution order awarded from a violation of this chapter, to pay any civil or criminal penalty authorized by law, or to reimburse the Attorney General for reimbursement to the Attorney General or to pay any property, real or personal, that constitutes or is derived from the proceeds that are subject to forfeiture to the United States under subsection (a) as may be necessary to satisfy a victim restitution order awarded from a violation of this chapter.

(c) TRANSFER OF FORFEITED ASSETS.—The Attorney General may transfer assets forfeited under this section, or the proceeds derived from the sale thereof, to satisfy a victim restitution order awarded from a violation of this chapter.

§ 2762. Mandatory restitution

(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this subsection.

(b) SCOPE AND NATURE OF ORDER.—

(1) IN GENERAL.—The term ‘full amount of the victim’s losses’ includes any costs incurred by the victim for—
"(A) medical services relating to physical, psychiatric, or psychological care;
"(B) physical and occupational therapy or rehabilitation;
"(2) 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.

(4) ORDER MANDATORY.—
"(a) in general.—The issuance of a restitution order under this section is mandatory.
"(b) consideration of other circumstances.—A court may not decline to issue an order under this section because of—
"(i) the economic circumstances of the defendant;
"(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.

§ 2763. Civil action

(a) in general.—An individual who is a victim of an offense under this chapter may—
"(A) 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.

(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) statute of limitations.—An 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) jurisdiction.—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, or should reasonably, through the exercise of reasonable diligence, discover that which the claimant is the victim.
"(B) the date on which the plaintiff discovers the injury that forms the basis for the claim.

(2) in paragraph (1), by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "after section 1991.");

(b) 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:

124. Coercion of sexual acts, sexual contact, or sexually intimate visual depictions. 2751.

(c) directive to united states sentencing commission.—
"(1) in general.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with section 3663A, the United States Sentencing Commission shall review and amend its guidelines and policy statements applicable to persons convicted of an offense under chapter 110 of title 18, United States Code, as added by subsection (a), to ensure that the guidelines and policy statements are consistent with that amendment and reflect the intent of Congress that the guidelines reflect the seriousness and great harm caused by the offenses under that chapter.

(2) considerations.—In carrying out paragraph (1), the United States Sentencing Commission shall consider—
"(A) the mandate of the United States Sentencing Commission, pursuant to its authority under section 994(p) of title 28, United States Code—
"(i) to promulgate guidelines that meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and
"(ii) in particular, to—
"(I) ensure that sentencing courts properly consider the seriousness of the offense;

"(III) provide just punishment for the offense;

"(IV) afford adequate deterrence to criminal conduct; and

"(V) protect the public from further crimes of the defendant;

"(B) the intent of Congress that the penalties for defendants convicted of an offense under chapter 110 of title 18, United States Code, as added by subsection (a), are appropriately severe and account for—
"(i) the nature of the visual depiction, the acts engaged in, and the potential harm resulting from the offense;

"(II) the number and age of the victims involved; and

"(III) the degree to which the victims have been harmed;

SEC. 1712. amendMents to existinG statutory offenses.

(a) section 48(b)(2)(C) of title 10, United States Code (relating to the code of military justice), is amended by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 2423.");

(b) section 1001(a) of title 18, United States Code, is amended by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 1991.");

(c) section 2156(c) of title 18, United States Code, is amended by inserting "section 2752, 2753, 2754, and 2756 (relating to coercion of sexual acts and related crimes)", after "2425.");

(d) section 3142(a)(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), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "2425.");

(e) section 3156(a)(3)(C) of title 18, United States Code, is amended by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "any felony under";

(f) section 3328 of title 18, United States Code, is amended—
"(1) in paragraph (1), by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "chapter 199.");

"(2) by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "chapter 199.");

"(3) by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 1991.");

"(4) by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 1991.");

(g) section 3399 of title 18, United States Code, is amended—
"(1) by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 1991.");

"(2) by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 1991.");

"(3) by inserting "section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A))", after "section 1991.");
(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)(1)),” after “sexual abuse (as described in sections 2241 and 2242);” and

(2) in subsection (e)(2)(A)—

(A) by striking “2422(b) (relating to coerction and enticement of a minor into prostitution);” and

(B) by inserting “, or 2752(a)(1) or 2754(b)(1) (if punishable under subsection 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(r) Section 2(1) of the PROTECT our Children Act of 2008 (42 U.S.C. 17601(1)) is amended—

(1) by striking “‘section 1201,’”;

(2) by inserting “section 1201 or” and inserting “section 1201 and”;

(3) by striking “section 1201,” and inserting “section 1201 or”;

(4) by 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 bankruptcy jurisdiction is set forth;

(s) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(t) Section 2(1) of the PROTECT our Children Act of 2008 (42 U.S.C. 17601(1)) is amended—

(1) by striking “‘section 1201,’”;

(2) by inserting “section 1201 or” and inserting “section 1201 and”;

(3) by striking “section 1201,” and inserting “section 1201 or”;

(4) by 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 bankruptcy jurisdiction is set forth;

(u) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(v) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(w) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(x) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(y) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;

(z) 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 subsection 2754(b)(2)(A))” after “2425”;

(3) by striking “section 1201 or” and inserting “section 1201 and”;

(4) by 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 bankruptcy jurisdiction is set forth;
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 Planned Parenthood 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 COVERAGE.

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 Diabetes.

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 COVERAGE.

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 Diabetes.

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. __. SENSE OF CONGRESS ON FIRE PROTECTION OF 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 9-1-7 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 it 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;
restarting a dormant supply chain, and infrastructure to increase the cost effectiveness of the launch system; (E) certify new, modified, or existing launch vehicles or rocket engines; and (F) develop, design, and integrate parts for new launch vehicle systems necessary for national security use.

(2) THIS DESCRIPTION.—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 before 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 final request for proposals 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 House of Representatives and the Select Committee on Intelligence of the Senate.

(d) ASSESSMENT.—Not later than 120 days after the date of 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 in subsection (b) of section 1246, 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:

Third section 1245 through 1252 and insert the following:

SEC. 1245. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR RESILIENCE 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 strengthen their resilience 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 these countries.

(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 this section shall be derived from amounts 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 CARI LEVIN AND HOWARD P. ‘‘BUCK’’ MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015 (PUBLIC LAW 113–291; 128 STAT. 3566), AS MOST RECENTLY AMENDED BY SECTION 1253(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;’’;

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-sponsored disinformation and propaganda, through social media applications or related Internet-based means, to members of Congress.
the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. SUPPORT OF EUROPEAN DETERRENCE INITIATIVE TO DETER RUSSIAN AGGRESSION.

(a) FINDINGS.—Congress makes the following findings:

(1) Military exercises, such as Exercise Nifty 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 force structure; 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.

(3) The increase in conventional, nuclear, and hybrid threats by the Russian Federation against the security interests of the United States and allies in Europe requires substantial investments to improve United States combat capability in Europe.

(4) The decline of a permanent United States military presence in Europe in recent years increases the likelihood the United States will rely on being able to flow forces from the continental United States to the European theater in the event of a major contingency.

(5) Senior military leaders, including the Commander of United States Transportation Command, have identified a variety of increasingly advanced capabilities, especially the proliferation of anti-access, area denial (A2/AD) capabilities, that have given adversaries of the United States the ability to challenge the freedom of movement of the United States military in all domains from force deployment to employment to disrupt, delay, or deny operations.

(b) SENATE OF CONGRESS.—It is the sense of Congress that, to enhance the European Deterrence Initiative, the Secretary of Defense should include a classified annex to the report for:

(1) 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 the active force, and strengthen combat effectiveness across the spectrum of security environments;

(2) enhance the indications and warning, interoperability, and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend sovereignty and territorial integrity, and preserve regional stability;

(3) improve the agility and flexibility of military forces required to address threats across the full spectrum and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic; and

(4) mitigate potential gaps forming in the areas of information warfare, Anti-Access Area Denial, and force projection;

(5) investments that support the security and stability of Europe, and that assist European nations in further developing their security capabilities, are in the long-term vital national security interests of the United States; and

(6) funds for such efforts should be authorized and appropriated in the budget of the Department of Defense 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 Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 126 Stat. 1068), as amended by section 1237(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 1930), is further amended by adding at the end the following new paragraphs:

(12) Treatment of wounded Ukraine soldiers in the United States in medical treatment facilities through the Secretarial Designee Program, and transportation, lodging, meals, and other appropriate non-medical support in connection with such treatment (including incidental expenses in connection with such support).

(13) Air defense and coastal defense radars.

(14) Naval mine and counter-mine capabilities.

(15) Littoral-zone and coastal defense vessels.

SA 712. MR. PORTMAN (for himself and Mr. Murphy) submitted an amendment intended to be proposed by him to the bill S. 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. 1042. DEPARTMENT OF DEFENSE INTEGRATION OF INFORMATION OPERATIONS IN CYBER-ENABLED INFORMATION OPERATIONS.

(a) INTEGRATION OF DEPARTMENT OF DEFENSE INFORMATION OPERATIONS AND CYBER- ENABLED INFORMATION OPERATIONS.

(1) ESTABLISHMENT OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall establish a cross-functional task force, consistent with section 911(c)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–328; 120 U.S.C. 2803) and section 1039 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–329; 120 U.S.C. 2804) and the Secretary of Defense shall appoint as the head of the task force:

(B) DUTIES.—The task force shall carry out the following:

(i) Development of a strategic framework for the conduct by the Department of Defense of information operations, including cyber-enabled information operations, coordinated across all relevant Department of Defense entities, including both near-term and long-term guidance for the conduct of such coordinated operations.

(ii) Development and dissemination of a common operating paradigm across 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 liability of the Department to interact with the private sector, including social media, as related 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 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 120 U.S.C. 2811).

(2) 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.

(B) 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) of this subsection or amend this paragraph 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).

(v) Coordination with the head of the Global Engagement Center in support of the effective implementation of the purpose set forth in section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 2 U.S.C. 3556 note).

(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 support of the Global Engagement Center and the head of the task force appointed under subsection (a)(2)(A), a regional information strategy and interagency coordination plan for carrying out the strategy, where applicable.

(B) The Secretary shall require 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 OF DEFENSE 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, and

(ii) submit to the congressionals 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 June 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was issued, including any expected updates or changes in light of the establishment of the task force.

(iii) A description of the role of the Department as a part of a broader whole-of-government strategy for strategic communications, including assumptions about the roles and contributions of other Government departments and agencies tasked with such strategy.

(iv) Defined actions, performance metrics, and projected timelines to achieve the following specified tasks:

(1) Conduct outreach and prepare commanders and their staffs, and the Joint Force as a whole, to lead, manage, and conduct operations in the information environment.

(2) Train, educate, and prepare information operations professionals and practitioners to enable effective operations in the information environment.

(3) Manage information operations professionals, practitioners, and organizations to meet the requirements of the strategy.

(v) Establish a baseline assessment of current ability of the Department to conduct operations in the information environment, including the identification of the types of units and organizations currently responsible for building and employing information-related capabilities and an assessment of appropriate measures, to include consolidation of each type of unit or organization.

(vi) Develop the ability of the Department and operational components to engage, assess, characterize, forecast, and visualize the information environment.

(vii) Develop and maintain the capability to assess accurately the effect of operations in the information environment.

(viii) Adopt, adapt, and develop new science and technology for the Department and interagency partners, including the Global Engagement Center, to enable more effective whole-of-government operations in the information environment.

(ix) Develop and adapt information environment-related concepts, policies, and guidance.

(x) Ensure doctrine relevant to operations in the information environment remains current and relevant, based on lessons learned and best practices.

(xi) Develop, update, and de-conflict authorities and permissions, as appropriate, for enabling effective operations in the information environment.

(xii) Establish and maintain partnerships among Secretary and interagency partners, including the Global Engagement Center, to enable more effective whole-of-government operations in the information environment.

(xiii) 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.

(xiv) Establish and maintain collaboration between and among the Department and international partners, including partner countries and nongovernmental organizations, to enable operations in the information environment.

(xv) Foster, enhance, and leverage partnership capabilities and capacities.

(xvi) An 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)(ii) across all relevant elements of the Department.

(xvii) An investment framework and projected timeline for addressing any gaps identified under clause (xvi).

(xviii) Other such matters as the Secretary of Defense considers relevant.

(C) PERIODIC STATUS REPORTS.—Not later than 90 days after the date on which the implementation plan is submitted under subparagraph (A)(ii) and not less frequently than once every 90 days thereafter until the date that is three years after the date of such submittal, the head of the task force shall submit to the congressional defense committees a report describing the status to date of the efforts of the Department to accomplish the tasks specified under clauses (iv) and (vi) of subparagraph (B).

(D) TRAINING AND EDUCATION.—Consistent with the elements of the implementation plan required under clauses (i) and (ii) of sub-section (b)(2)(B)(v), 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 as the Secretary considers appropriate to ensure understanding of the role in information warfare, the central goal of military operations, and the values, perspectives, views 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 shall establish a position within the Department of Defense known as the ‘‘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)(ii).

(3) The term ‘‘task force’’ means the cross-functional task force established under subsection (a)(1)(A).

SA 714. Mr. PORTMAN 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:

At the end of subtitile G of title X, add the following:

SEC. 6. EXCEPTION FROM PUBLIC DISCLOSURE OF MANUFACTURER INFORMATION FOR THE SHIPMENT OF HOUSEHOLD GOODS OF MEMBERS OF THE UNIFORMED FORCES AND FEDERAL EMPLOYEES.

Section 3431(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(2)) is amended—

(1) in subparagraph (A), by striking ‘‘or’’ at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon and ‘‘or’’; and

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

‘‘(C) the shipment consists of household goods and personal effects, including 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—

(iii) an employee, as that term is defined in section 2105 of title 5, United States Code, who is shipping the goods and effects as part of the transfer of the employee from one official station to another for permanent duty or the spouse or 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 effects as part of the permanent change of station or a dependent, as that term is defined in section 401 of such title, of such member.’’.

SA 715. Mr. MORAN (for himself and 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 appropriate place, add the following:

SEC. 3. MODERNIZATION OF GOVERNMENT INFORMATION TECHNOLOGY.

(a) DEFINITIONS.—In this section:
(1) BOARD.—The term "Board" means the Technology Modernization Board established under subsection (c)(3)(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 amendatory 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 SYSTEM MODERNIZATION AND WORKING CAPITAL FUNDS.—The term "IT working capital fund" means an information technology system modernization and working capital fund established under subsection (c)(2)(A).
(7) Legacy Information Technology System.—The term "legacy information technology system" means an outdated or obsolete system.
(b) ESTABLISHMENT OF AGENCY INFORMATION TECHNOLOGY SYSTEMS MODERNIZATION AND WORKING CAPITAL FUNDS.—
(1) DEFINITION.—In this subsection, the term "covered agency" means each agency listed in section 501(b) of title 5, United States Code.
(2) 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).
(3) Legacy Information Technology System.—The term "legacy information technology system" means an outdated or obsolete system.
(c) Use of Funds.—An IT working capital fund of the covered agency at the time of establishment of the IT working capital fund may not be used to supplant funds provided for the operation and maintenance of any system within the IT working capital fund of the covered agency at the time of establishment of the IT working capital fund.
(1) PRIORITY OF FUNDS.—
(I) I N GENERAL.—The head of each covered agency—
"(I) I N GENERAL.—The head of each covered agency shall prioritize funds within the IT working capital fund of the covered agency to be used initially for cost savings activities approved by the Chief Information Officer of the covered agency, in consultation with the Administrator of the Office of Electronic Government; and
(ii) may reprogram and transfer any amounts saved as a direct result of the cost savings activities approved under clause (I) for other cost savings activities within the IT working capital fund of the covered agency, consistent with subparagraph (B)(i).
(II) Responsibilities.—The Chief Information Officer of each covered agency shall—
(i) document and submit to the Administrator of the Office of Electronic Government a report on any cost savings activities approved under clause (I).
(i) the activities described in clause (i) or (ii); and
(ii) the Board and the Director in carrying out the responsibilities described in paragraph (B).
(2) Authorization of Appropriations.—
(I) AUTHORIZATION OF Appropriations.—There is authorized to be appropriated to the Fund $250,000,000 for each of fiscal years 2018 and 2019.
(ii) Credits.—In addition to any funds otherwise appropriated, the Fund shall be credited with any recoveries relating to information technology services or services provided thereunder.
(II) Availability of Funds.—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).
(3) Reimbursement.—
(I) 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 for the services or work performed by the Commissioner in accordance with this subparagraph.
(ii) Reimbursement by AGENCY.—
(I) In General.—The head of an agency shall reimburse the Fund for any transfer under subparagraph (C)(ii), 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).
(II) Reimbursement 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 services, consistent with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives as in effect on the date of enactment of this Act.
(III) Recording of Obligation.—Notwithstanding section 1501 of title 31, United States Code, an obligation made under a written agreement described in subparagraph (E) in a fiscal year after the date of enactment of this Act shall be charged to the Fund established under this section, but such obligation shall be included in the budget for the fiscal year in which the obligation is made.
date of enactment of this Act shall be recorded in the fiscal year in which the payment is due.

(iii) Fixed Commisioner.—

(1) The Commissioner, in consultation with the Director, shall establish amounts to be paid by an agency under this paragraph and the terms of repayment for any funds transferred under subparagraph (C)(ii), including any services or work performed in support of that development under subparagraph (C)(iii), at levels sufficient to fund the operations of the Fund, including operating expenses.

(II) Review and Approval.—Before making any determination to disburse from an agency under this subparagraph, the Commissioner shall conduct a review and obtain approval from the Director.

(iv) Authority to Make Timely Reimbursement.—The Commissioner may obtain reimbursement from an agency under this subparagraph by the issuance of transfer or counterrants, or other lawful transfer documents, supported by itemized bills, if payment is not made by the agency—

(I) during the 30-day period beginning after the expiration of the repayment period prescribed 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)(ii).

(v) 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—

(1) documenting the purpose for which the funds shall be used, the terms of repayment, which may not exceed 5 years unless approved by the Director; and

(2) 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, based on the standard business case, technical design, procurement strategy (including adequate use of rapid, iterative software development practices), and program management proposed to the Director, the funds shall be used for products and services developed using commercial off-the-shelf products, services, and rapid, iterative development practices.

(ii) Timeline.—If the Commissioner documents in a written agreement under this subparagraph that there are compelling circumstances of the need to develop a custom information technology solution, the Commissioner shall include in the written agreement a timeline for a rapid, iterative development process.

(v) Reporting requirements.—

(I) List of Projects.—

(I) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall maintain a list of each project funded by the Fund, to be updated not less than quarterly, that includes a description of the project, project status (including any schedule delay and cost overruns), and financial expenditure data related to the project.

(II) Public Availability.—The list required under clause (I) shall be published on a public website in a manner that is, to the greatest extent possible, consistent with applicable law on the protection of classified information.

(II) Comptroller General Reports.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Comptroller General of the United States shall submit to Congress and make publicly available a report assessing—

(I) the costs associated with establishing the Fund and maintaining the oversight structure associated with the Fund compared with the cost savings associated with the projects supported by the Fund; and

(ii) the reliability of the cost savings estimated by agencies associated with projects funded by the Fund.

(vi) Technology Modernization Board.—

(A) Establishment.—There is established a Technology Modernization Board to evaluate proposals submitted by agencies for funding under the Fund.

(v) Responsibilities.—The responsibilities of the Board are—

(I) to recommend to the Director for the development of processes for agencies to submit modernization proposals to the Board and to establish the criteria by which those proposals are evaluated, which shall include—

(1) addressing the greatest security, privacy, and operational risks;

(2) having the greatest Governmentwide impact; and

(3) having a high probability of success based on factors including the use of commonality, solutions, and software reusability.

(ii) Review and Approval.—Before making recommendations to the Commissioner to assist agencies in the further development and refinement of select modernization proposals based on an initial evaluation performed with the assistance of the Commissioner, shall—

(I) review and prioritize, with the assistance of the Commissioner, opportunities to improve or replace multiple information technology systems with a smaller number of information technology service common to multiple agencies;

(II) to recommend the funding of modernization projects, in accordance with the uses described in paragraph (2)(C), to the Commissioner;

(vi) Monitoring and Control.—In monitoring, with the Commissioner, progress and performance in executing approved projects, if necessary, recommend the suspension or termination of funding for projects based on factors including failure to meet the terms of a written agreement described in paragraph (2)(F); and

(vii) Monitoring the Costs of the Fund.

(C) Membership.—The Board shall consist of 7 voting members.

(D) Chair.—The Chair of the Board shall be the Administrator of the Office of Electronic Government.

(E) Permanent Members.—The permanent members of the Board shall be—

(I) the Administrator of the Office of Electronic Government; and

(ii) a senior official from the General Services Administration having technical expertise in information technology development and refinement of select modernization proposals, based on an initial evaluation performed with the assistance of the Commissioner.

(F) Additional Members of the Board.—

(I) Appointments.—The other members of the Board shall be—

(1) 1 employee of the National Protection and Programs Directorate of the Department of Homeland Security, appointed by the Secretary of Homeland Security; and

(ii) 4 employees of the Federal Government primarily having technical expertise in information technology development and refinement of select modernization proposals, based on an initial evaluation performed with the assistance of the Commissioner.

(i) Term.—Each member of the Board described in clause (i) shall serve a term of 1 year, which shall be renewable not more than 3 times at the discretion of the Secretary of Homeland Security or the Director, as applicable.

(ii) Prohibition on Compensation.—Members of the Board may not receive additional compensation for their service on the Board.

(H) Staff.—Upon request of the Chair of the Board, the Director and the Administrator of General Services may, on a reimbursable or nonreimbursable basis, any employee of the Federal Government to the Board to assist the Board in carrying out the functions of the Board.

(4) Responsibilities of Commissioner.—

(A) IN GENERAL.—In addition to the responsibilities described in paragraph (2), the Commissioner shall—

(i) provide direct technical support in the development of personnel services that are currently offered otherwise to agencies transferred amounts under paragraph (2)(C)(i) or for products, services, and acquisition vehicles funded under paragraph (2)(H); and

(ii) provide technical support to, and, with the concurrence of the Director, oversight of, agencies that receive transfers from the Fund.

(ii) Responsibilities.—The responsibilities of the Commissioner are—

(I) to provide direct technical support in the development of personnel services that are currently offered otherwise to agencies transferred amounts under paragraph (2)(C)(i) or for products, services, and acquisition vehicles funded under paragraph (2)(H); and

(ii) to provide assistance to agencies that receive transfers from the Fund.

(iii) to provide 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

(iv) to provide assistance to agencies that receive transfers from the Fund.

(v) 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)(i).

SA 716. Mr. CARDO 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 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 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. 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 provide for military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
SA 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:

At the end of subtitle G of title V, add the following:

SEC. 1291. SHORT TITLE.
This subtitle may be cited as the ‘‘Iraq and Syria Genocide Relief and Accountability Act of 2017’’.

SEC. 1292. 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 Yezidis, 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-Related Situation Report,’’ transmitted to Congress on March 17, 2016, ‘‘The Department of State has a longstanding commitment to providing support for the urgent humanitarian and protection needs of populations in Iraq, Syria, and across the world, including but not limited to members of ethnic and religious minorities.’’

(3) The Independent Commission of Inquiry on the Syrian Arab Republic stated in its February 3, 2016, report, ‘‘The Government has committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts. Based on the same conduct, war crimes have also been committed. Both Jabhat Al-Nusra and some anti-Government armed groups have committed the war crimes of murder, cruel treatment, and torture.’’

(4) The International Criminal Investigative Training Assistance Program and the Office of Overseas Prosecutorial Develop-ment, Assistance and Training of Justice have provided technical assistance to governmental judicial and law enforcement entities in Iraq, including with funding support from the Department of State.

(5) There were an estimated 800,000 to 1,400,000 Christians in Iraq in 2002, 500,000 in 2005, 200,000 in 2015, according to the annual International Religious Freedom Reports of the Department of State.

(6) Although Christians were an estimated 8.6 million or about 2.2 million person-1

800,000 to 1,400,000 Christians in Iraq in 2002, 500,000 in 2005, 200,000 in 2015, according to the annual International Religious Freedom Reports of the Department of State.

(7) 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 Yezidis, Mus- lims, and Christians, including food, resettle-ment from tents to permanent housing, and rent for Yezidis, medical care and educa-
tion for Yezidis and Muslims through clinics, and a university that are open to all, and some form of these types of assist-
tance to all of the estimated 10,500 internally displaced Christian families, more than 70,000 people, in the greater Erbil region.

(8) In fiscal year 2015, the United States Government admitted to the United States through the United States Refugee Admis-
sion Program, Priority 2 groups of special humanitarian concern, as designated by Congress, including—

(A) Jews, Evangelical Christians, Ukrain-
ian Catholics, and Ukrainian Orthodox, from the former Soviet Union;

(B) Iraqis at risk because they were, or are, employed in Iraq by the United States Gov-
nernment, a media or non-governmental orga-
nization headquartered in the United States, or an organization or entity that received funding from the United States Government, or are related to someone who is, or was, so employed;

(C) religious minorities in Iran; and

(D) members of other groups designated by the United States Government, including—

(i) former political prisoners and mem-
ers of persecuted religious minorities, human rights activists, and forced labor conscripts in Cuba;

(ii) minors in Honduras, El Salvador, and Guatemala;

(iii) ethnic minorities from Burma in Ma-
laysia;

(iv) Bhutanese in Nepal; and

(v) Congolese in Rwanda.

(9) Through the United States Refugee Admis-
sion Program, the United States Gov-
ernment—

(A) admitted 12,676 Iraqi refugees in fiscal year 2015, including at least 2,113 Christians and 213 Yezidis;

(B) admitted 9,180 Iraqi refugees in fiscal year 2016, including at least 1,524 Christians and 393 Yezidis;
admitted 1,682 Syrian refugees in fiscal year 2015, including at least 30 Christians; and

admitted 12,587 Syrian refugees in fiscal year 2016, including at least 64 Christians and 24 Yazidis.

SEC. 1293. DEFINITIONS.

In this subtitle:

1. 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.

2. CAPACITY-BUILDING.—The term “capacity-building”, with respect to cases of genocide, crimes against humanity, war crimes, and terrorism in Iraq or Syria, means developing or improving personnel, knowledge, procedures, and capacity to engage in criminal law to partner with, mentor, provide technical advice for, formally train, and equip provision and infrastructure where necessary, to be appropriate to, investigators and judicial personnel in Iraq, including the Kurdistan region of Iraq, and domestic investigators and lawyers in Syria.

3. FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated by the Secretary of State (or the Secretary's designee) as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

4. HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.—The term “humanitarian, stabilization, and recovery needs”, with respect to an individual, includes water, sanitation, hygiene, food security, nutrition, shelter, housing, medical, education, and psychosocial needs.

5. HYBRID COURT.—The term “hybrid court” means a court with a combination of domestic and international lawyers, judges, and personnel.

6. INTERNATIONALIZED DOMESTIC COURT.—The term “internationalized domestic court” means a domestic court with the support of international advisers.

SEC. 1294. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ AND SYRIA.

(a) Assistance To Support Certain Entities.—

(1) in general.—The Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, and Labor, the Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Administration of the United States Agency for International Development, shall provide assistance, including financial assistance, to support entities that are taking the actions described in paragraph (2) with respect to 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, and war crimes, as appropriate.

(b) Review of Certain Criminal Statutes.—The Attorney General, in consultation with the Secretary of State, shall conduct a review of the 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 United States nationals, United States residents, or persons physically present in the territory of the United States either during the commission of the crime or subsequent to the commission of the crime;

(2) the statutes currently in effect that would apply to conduct constituting 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; and

(C) the applicable penalties under such statutes;

and

(D) whether offenders would be subject to extradition or mutual legal assistance treaties;

(3) the extent to which the absence of criminal statutes defining the crimes, or granting extraterritorial jurisdiction over the prosecution of genocide, crimes against humanity, and war crimes in United States courts, including when United States military forces capture persons outside the United States who are known to have committed such crimes in a third country that is either unwilling or unable to prosecute the crimes; and

(4) whether additional statutory authorities are necessary to prosecute a United States person or a foreign person within the territory of the United States for genocide, crimes against humanity, or war crimes.

(c) Consultation.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, entities described in section (a)(4).

(d) 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 Financial Services 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, acting through 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, and the Administrators of the United States Agency for International Development, the United Nations, and the United States Government to identify, assess, and prioritize individuals to address humanitarian, stabilization, and recovery needs of individuals described in such paragraph, the sources of such funding; and

(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 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

(2) to prosecute individuals described in paragraph (1) for genocide, crimes against humanity, and war crimes, as appropriate.

(2) creeping.—The term “creeping” means a court with a combination of criminal, domestic, and international courts, and internationalized domestic courts; and

(e) capacity building.

(3) availability of amounts.—Amounts authorized to be appropriated or otherwise made available for programs, projects, and activities described in this subsection shall be made available to carry out this subsection.

(4) humanitarian, stabilization, and recovery needs of individuals described in such paragraph, the sources of such funding; and

(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 (7)

(6) the assistance provided by or through the United Nations, including the Funding Facility for Immediate Stabilization and the Funding Facility for Reconstruction, to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (7);

(7) 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 (7); and

(8) if the United States Government is funding entities described in paragraph (7)
(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 such entities, including information on other funding such entities is prohibited under United States law.

(b) ADDITIONAL CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, individuals described in subsection (a)(1) and entities 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.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers, to address 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 PROGRAMS.—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 that prescribe military personnel strengths for such fiscal year, and for other purposes; 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 address 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 PROGRAMS.—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 address 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 PROGRAMS.—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 that 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. 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 address 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 PROGRAMS.—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).
On page 190 between lines 22 and 23, insert the following:

(6) A mechanism (to be known as “Clean Energy-Ready Vets”) to provide workforce training programs, including through the Transition Assistance Program (TAP) 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. CLEAN ENERGY-READY VETS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy 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 Energy, shall establish the Clean Energy-Ready Vets Program through the SkillBridge program of the Department of Defense 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 321(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 preparing to transition out of service in the Armed Forces for jobs described in subsection (a); and 

(B) facilitate partnerships between junior or community colleges (as defined in section 321(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 the Armed Forces to prepare for careers in the energy industry.

(2) SECRETARY OF DEFENSE.—To ensure that employment of veterans and members of the Armed Forces who are transitioning out of service in the Armed Forces are provided information at appropriate times and locations regarding eligibility to participate in the Clean Energy-Ready Vets Program and other similar energy and grid security workforce training programs, including through the Transition Assistance Program (TAP) of the Department of Defense.

(d) MODIFICATION.—Notwithstanding any other provision of law, the Secretary of Labor shall collaborate with—

(A) the Secretary of Defense; 

(B) State workforce agencies; and 

(C) the National SkillBridge Council.

(e) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated—

(A) an 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; or

(B) an independent study program in the field of energy or grid security.

(2) APPROPRIATIONS.—OBSERVERS OF VETERANS EDUCATIONAL ASSISTANCE 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 beginning 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 the Military Mission Line Contingent 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 their 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 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) MEASUREMENT OF FREQUENCY AND IMPACT.—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 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. 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 consider all issues related to substance use disorders, particularly related to opioid, including Federal efforts to prevent the development of, improve access to treatment, and improve access to recovery for people with opioid and other substance use disorders.

(2) Obamacare should be repealed because it increases health care costs, limits patient choices, and obstructs the ability of Americans to buy insurance that they do not want, cannot afford, or may not be able to access, increases taxes on middle class families and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on individuals most in need, such as the elderly and the disabled, as evidenced by the following:

(A) Premiums for plans offered on the Federal Exchange have doubled on average over the last 4 years, and these increases are projected to continue.

(B) 70 percent of counties have only a few options for Obamacare insurance in 2017, and at least 40 counties are expected to have zero insurers planning on their Exchange in 2018.

(C) 2,300,000 Americans purchasing plans on the Exchanges are projected to have only one insurer to choose from in 2018.

(D) The Joint Committee on Taxation has identified significant and widespread tax increases on individuals earning less than $300,000.

(E) Medicaid costs have continued to spiral year after year leading to a detrimental impact on State budgets, which constrains States’ choices to improve health care.

(3) 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. 7. 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:

"A governmental plan shall be deemed to be a small group health plan if such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act."

(b) HHS.—Section 2722 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by adding at the end the following:

"(e) EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.—The requirements of subsection (b) shall not apply with respect to a group health plan if such plan has 2 or more participants who are employees and (1) such current employees retired from an employer and were subsequently hired by a different employer, and (2) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act."

(c) PUBLIC HEALTH SERVICE ACT.—Section 2722 of the Public Health Service Act (42 U.S.C. 300gg-21) is amended by adding at the end the following:

"(e) EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.—The requirements of subsection (b) shall not apply with respect to a group health plan if such plan has 2 or more participants who are employees and (1) such current employees retired from an employer and were subsequently hired by a different employer, and (2) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act."

SA 730. 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; as follows:

At the end of subtitle C of title V, add the following:

SEC. 9. LIMITATION ON MODIFICATION OF STATUS OF TRANSMEMBERED MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection (b) may be taken with respect to transmembered 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 transmembered members of the Armed Forces is any of the following in connection with the nature of such members as transmemembered individuals:

(1) A modification of service status in the Armed Forces (other than through the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action).

(2) A modification of current 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 729. Mr. BROWN 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. 4. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR CORPS SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this or any other Act 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 of the Army, the Navy, 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
Canaveral, Florida. the Apollo I crew who died during a launch cemetery, authorize the construction at an National Aeronautics and Space Administra- tion, it is fitting on the 50th anniversary of the astronauts by the Apollo I launch test accident that the United States acknowledge those astronauts by Commander in the United States Navy at the Arlington National Cemetery. and he is buried at West Point in the United States Air Force at the time of the accident, and he is buried at Arlington National Cemetery. all 3 astronauts were posthumously awarded the Congressional Space Medal of Honor. as the United States Mili- tary Academy and was a Lieutenant Colonel in the United States Air Force at the time of the accident, and he is buried at West Point Cemetery. and was named as Command Pilot of the flight. He began his career in the United States Army Air Corps and was a Lieutenant Colonel in the United States Air Force at the time of the accident, and he is buried at Arlington National Cemetery. and he is buried at West Point Cemetery. The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, July 27, 2017, at 9:30 a.m., in 328A Russell Senate Office Building, in order to conduct a hearing entitled “To consider the following nominations: Rostin Behnam, Brian D. Quintenz, and Dawn DeBerry Stump, to be Commissioners at the CFTC.” 104(a) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. 1331 note) is amended by striking “June 30, 2022” and inserting “June 30, 2027.” The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, July 27, 2017, at 9:45 a.m., to conduct an executive session to vote on nominations. The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, July 27, 2017 at 10 a.m., to hold a business meeting.
CONGRESSIONAL RECORD — SENATE

S4607

July 27, 2017

TO THE GRADE INDICATED IN THE RESERVE OF THE
FELICIA C. ADAMS, RESIGNED.
STATES ATTORNEY FOR THE NORTHERN DISTRICT OF
STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF
STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR
CROFTS, RESIGNED.
THE TERM OF FOUR YEARS, VICE CHRISTOPHER A.
STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR
SOURI FOR THE TERM OF FOUR YEARS, VICE RICHARD G.
STATES ATTORNEY FOR THE EASTERN DISTRICT OF MIS-
AMES TO THE REPUBLIC OF HAITI.
MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF
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MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAOR-
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PLENTY, VICE DAVID NATHAN SAPERSTEIN, RESIGNED.
PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA
COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND
CÔNDOURS.
HALO R. FRANK, OF MAINE, TO BE UNITED STATES ATTOR-
DANIEL J. KRITENBRINK, OF VIRGINIA, A CAREER MEM-
DANIEL J. KIRSHNEIL, OF MARYLAND, A CAREER MEMBER
DANIEL A. BURMA, OF NEW HAMPSHIRE, A CAREER
EDWARD J. ALEXANDER
PATRICK T. SHANNON
JULIO T. RODRIGUEZ
ALGALDO C. EZEOKEKE
MARK W. DUNAVAN
MAUREEN M. COMFORT
LEANNA J. BROWN
ANDREA K. BASSMARTIN
EDWARD J. ALEXANDER
MANUEL L. IRAVEDRA
JOHN C. P. HSU
MICHAEL A. HOLLIFIELD
VAL J. CHEEVER
SCOTT R. CHEEVER
V. J. KEEVE
NADIA ISLAM
NICHOLAS KARA-JOHAN
DAVID KING
OLIVER Y. LAU
ELIZABETH A. LAWRENCE
ROBERTO LEIBON
JUNIFING LI
MILES E. MAHAN
CHAD T. MARLEY
SHARON A. MCALLISTER
WILLIAM H. MONTGOMERY, JR.
ANTHER W. E. MORE
JOY D. NEFF
JOHN P. T. NGUYEN
LUIS MANOLO QUIÑOÑO III
SHANE E. OTTOMANN
GOFKAURAM F. PANIKKAR
WILLIAM M. PANTSHARI
AKI S. FURUKAWA
MATTHEW D. PUTNAM
JULIE M. E. REMO
JOSÉ N. RIVERA-RUIZ
CAROLINE A. RYAN
JARET S. SANDS
JAVIER SANTITAGGIORGI
HERVEY V. D. SAVOY
JAMES B. SMITH
MARIANA J. SOLOSI
D. R. TAN
LANCE M. VAIRIPUK
JAMES A. WAYNE, JR.
GORDON N. WEDGEL
MALCOLM WILLIAM
THOMAS W. ZAFFANITA
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
KELLY J. J. NELB
CHRISTOPH G. OPGSTUF
MARTYNN G. R. RINK
ERIC L. SKINNIER
MICHAEL M. AFFENZER
KATHERINE V. SUAREZ
DANITA L. TAYLOR
JAMES R. VANDEVER:
JEFFREY A. WAD
RICHARD L. WIECHL
JEFFREY F. DRILAY
MARK W. DUNAVAN
OGO C. EZEOKEKE
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:
O NATION OF AMERICA TO THE KINGDOM OF BAHRAIN.
MICHELLE JEANNE SISON, OF MARYLAND, A CAREER
JUSTIN HICKS SIBERELL, OF MARYLAND, A CAREER
MICHAEL, JAMES DOOMAN, OF NEW YORK, A CAREER MEMBER
SAMUEL D. BROWNBACK, OF KANSAS, TO BE AM-
ASSOCIATE OF DISTRICT ATTORNEYS, TO BE AMBAS-
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THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE RESERVE OF THE
TO BE APPOINTED?
ANN MARIE BUERKLE, OF NEW YORK, TO BE A COMMIS-
CONSUMER PRODUCT SAFETY COMMISSION
ANN MARIE BUERKLE, OF NEW YORK, TO BE A COMMIS-
EXECUTIVE OFFICE OF THE PRESIDENT
C. J. MAHONEY, OF KANSAS, TO BE DEPUTY UNIT I
MURRAY E. CARLOCK
BRIAN P. WEBER
RONALD C. SMITH
MARK A. SANDERS
GLENN LITMAN
ORIN C. GILBERT
MARY C. GANTT
CRAIG E. DEAN
THOMAS J. COLLINS
CHARLES A. BLANKMAN
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:
To be colonel
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
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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

SCOTT T. FRAZIER

JEFFREY P. GRAHAM

CHRISTOPHER R. HARRIS

LEON E. BOOTH IV

DAVID D. PARKER

STEPHEN A. ROGERS

NEIL P. WOODS

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

ERIC W. BULLOCK

CRYSTAL R. ROMAY