House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. LONG).

**DESIGNATION OF THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, August 1, 2017.

I hereby appoint the Honorable BILLY LONG to act as Speaker pro tempore on this day.

Paul D. Ryan, Speaker of the House of Representatives.

**PRAYER**

Reverend Dr. Dan C. Cummins, Skyline Wesleyan Church, San Diego, California, offered the following prayer:

Bless the Lord at all times. Let His praises continually be in our mouth. Magnify the Lord and let us exalt His name. Taste and see that the Lord is good. Blessed is the Nation that fears the Lord together.

In Jesus’ name, we pray.

Amen.

**THE JOURNAL**

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 481, the Journal of the last day’s proceedings is approved.

**PLEDGE OF ALLEGIANCE**

The SPEAKER pro tempore. The Speaker will lead the House in the Pledge of Allegiance.

The SPEAKER 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.

**APPOINTMENT OF INDIVIDUAL TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS**

The SPEAKER pro tempore. The Chair announces the Speaker’s appointment, pursuant to 44 U.S.C. 2702, and the order of the House of January 3, 2017, of the following individual on the part of the House to the Advisory Committee on the Records of Congress:

Ms. Lori Schwartz, Omaha, Nebraska

**APPOINTMENT OF INDIVIDUAL TO THE ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS**

The SPEAKER pro tempore. The Chair announces the Speaker’s appointment, pursuant to section 214(a) of the Help America Vote Act of 2002 (52 U.S.C. 20944), and the order of the House of January 3, 2017, of the following individual on the part of the House to the Election Assistance Commission Board of Advisors:

Mr. Elliot Berke, Arlington, Virginia

**APPOINTMENT OF INDIVIDUAL TO BOARD OF TRUSTEES FOR THE JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT**

The SPEAKER pro tempore. The Chair announces the Speaker’s appointment, pursuant to section 114(b) of House Resolution 481, the Journal of the last day’s proceedings is approved.
2150. A letter from the Assistant Counsel, Division of Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department’s final rule — Definitions and Selection Criteria that Apply to Direct Grant Programs [Dockets NO.: ED-2017-OII-0007; ED-2017-OII-0010; ED-2017-OII-0013] received July 27, 2017, pursuant to 5 U.S.C. 801(a)(1); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Education and the Workforce.

2151. A letter from the Executive Director and Chair of the Board of Governors, Patient-Centered Outcomes Research Institute, transmitting the 2016 Annual Report, pursuant to 42 U.S.C. 1320d(d)(10); Aug. 14, 1935, ch. 531, title XI, Sec. 1181 (as amended by Public Law 111-146, Sec. 630(a)(12); (124 Stat. 794); to the Committee on Energy and Commerce.

2152. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department’s final rule — Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments; Extension of Comment Period [Dockets NO.: FDA-2011-P-0172 (RIN: 0910-AQ57) received July 25, 2017, pursuant to 5 U.S.C. 801(a)(1)); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

2153. A letter from the Administrator, Environmental Protection Agency, transmitting a report titled, “FY 2016 Superfund Five-Year Review Report to Congress”, pursuant to Sec. 121(c) of the Comprehensive Environmental Response, Compensation and Liability Act, to the Committee on Energy and Commerce.

2154. A letter from the Division Chief, Policy and Rules Division, Office of Engineering and Technology, Department of Commerce, transmitting the Department’s final rule — Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules regarding Authorization of Additional Aircraft to Fly Equipment Used for Test Purposes [ET Docket No.: 15-170] received July 27, 2017, pursuant to 5 U.S.C. 801(a)(1)); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.


2156. A letter from the Assistant Legal Adviser, Office of Treaty Affairs, Department of State, transmitting reports concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112(a); Public Law 92-403, Sec. 1(a) (as amended by Public Law 108-458, Sec. 721(b); (118 Stat. 3807); to the Committee on Foreign Affairs.

2157. A letter from the Chief, Legal Affairs Branch, Office of Government Ethics, transmitting a notification of the designation of an acting officer, pursuant to 5 U.S.C. 557(a); Public Law 97-277, Sec. 2(a); (110 Stat. 2681-614); to the Committee on Oversight and Government Reform.

2158. A letter from the Chief, Legal Affairs and Performance Branch, Office of Government Ethics, transmitting a notification of the designation of an acting officer, pursuant to 5 U.S.C. 557(a); Public Law 97-277, Sec. 2(a); (110 Stat. 2681-614); to the Committee on Oversight and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DeSALVATIERI:

H. R. 3638. A bill to amend the Internal Revenue Code of 1986 to adjust the rate of income tax of a publicly traded corporation based on the ratio of compensation of the corporation’s highest paid employee to the median compensation of all the corporation’s employees; to the Committee on Ways and Means.

By Mr. PEREIRA:

H. R. 3636. A bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes; to the Committee on Ways and Means.

By Ms. JENKINS of Kansas (for herself and Mr. KIND):

H. R. 3636. A bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUENEN (for himself, Mr. CONGREGAT, Mr. DELAURO):

H. R. 3636. A bill to improve quality and accountability for educator preparation programs; to the Committee on Education and the Workforce.

By Ms. KUSTER of New Hampshire:

H. R. 3637. A bill to amend the Food Security Act of 1986 to better assist producers who are voluntarily making the transition to organic production systems, and for other purposes; to the Committee on Agriculture.

By Mr. LAWSON of Florida (for himself, Mr. DIAZ-BALART, Mr. ROS-LEHTINEN, and Mr. DE LAURO):

H. R. 3636. A bill to improve quality and accountability for educator preparation programs; to the Committee on Education and the Workforce.
Florida, Mr. Bilhakis, Mrs. Demings, Mr. Curello of Florida, Mr. Thomas J. Rooney of Florida, Mr. Posey, and Mr. Hastings); H.R. 3638. A bill to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. Lofgren (for herself, Ms. Eddie Bernice Johnson of Texas, Mr. Beyer, Ms. Bonamici, Mr. Costa, Mr. Foster, Mr. Lipinski, Ms. McCollum, Mr. Panetta, Mr. Quigley, Mr. Swalwell of California, Mr. Tonko, Ms. Ross, Mr. Crist, Ms. Hanabusa, Mr. McNerney, Mr. Vassaly, and Ms. Slaughter):

H.R. 3639. A bill to establish a position of Chief Information Officer of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DerSaulnier:

H.R. 3635. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. Lofgren:

H.R. 3639. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. Ratcliffe:

H.R. 3642. A bill to amend title 38, United States Code, to establish within the Office of the Under Secretary for Health of the Department of Veterans Affairs the position of Chief Information Officer of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3638. A bill to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. Lofgren (for herself, Ms. Eddie Bernice Johnson of Texas, Mr. Beyer, Mr. Veasey, and Mr. Quigley):

H.R. 3640. A bill to amend title 38, United States Code, to establish within the Office of the Under Secretary for Health of the Department of Veterans Affairs the position of Chief Information Officer of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3641. A bill to amend title 38, United States Code, to establish within the Office of the Under Secretary for Health of the Department of Veterans Affairs the position of Chief Information Officer of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. Ratcliffe:

H.R. 3649. Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 392: Mr. Shuster and Mrs. Demings.
H.R. 3635: Ms. Franklin of Florida and Mr. Crenshaw.
H.R. 592: Mr. Gottheimer, Mr. Costello of Pennsylvania, and Mr. Courtney.
H.R. 750: Ms. Sewell of Alabama and Ms. Meng.
H.R. 785: Mr. Massie.
H.R. 848: Mr. Hollingsworth.
H.R. 850: Mr. Zeldin and Mr. Graves of Georgia.
H.R. 858: Mr. Gomirz.
H.R. 947: Mr. Suozzi.
H.R. 955: Mr. Bacon.
H.R. 1120: Mr. Smucker.
H.R. 1136: Mr. Denham.
H.R. 1243: Mr. Gonzalez of Texas, Mrs. Murphy of Florida, and Mr. Lipinski.
H.R. 1284: Mr. Carter of Georgia and Mr. Khanna.
H.R. 1421: Mr. Crowley.
H.R. 1468: Mr. Reid.
H.R. 1516: Mr. Suozzi.
H.R. 1615: Mr. Aguilar and Mr. Connolly.
H.R. 1796: Mr. Tonko.
H.R. 1828: Mr. Bacon and Mr. Carter of Georgia.
H.R. 1865: Mr. Rothfus.
H.R. 2066: Mr. Khanna.
H.R. 2267: Mr. Rush, Mr. DeFazio, Mr. Swalwell of California, Mr. Donovan, Ms. Tsongas, Ms. Rosen, Ms. Sewell of Alabama, Mr. Palazzo, Mr. Cárdenas, Mr. Danny K. Davis of Illinois, Ms. Shea-Porter, Mr. Huffman, Ms. Steffan, Mr. Soto, Mr. Cohen, Ms. Lofgren, Mr. Higgins of New York, and Mr. Hurd.
H.R. 2315: Mr. Abraham.
H.R. 2319: Mr. Kelly of Pennsylvania.
H.R. 2401: Ms. McCollum, Mr. Beyer, Mr. Veasey, and Mr. Quigley.
H.R. 2404: Mr. Gutiérrez.
H.R. 2482: Mr. Carson of Indiana.
H.R. 2519: Ms. Rosen, Mr. Newhouse, Mr. Kennedy, Mr. Norman, Ms. Granger, and Mr. Faso.
H.R. 2525: Mr. Cohen.
H.R. 2746: Mr. Veasey, Ms. Brownley of California, Ms. Tsongas, and Mr. Guthrie.
H.R. 3797: Mr. McGovern and Mr. Carter of Georgia.
H.R. 3940: Ms. Hanabusa.
H.R. 3951: Mr. Rothfus.
H.R. 3975: Mr. Kind.
H.R. 2996: Mr. Hensarling.
H.R. 3003: Ms. Lofgren, Mr. Gonzalez of Texas, and Mr. Danny K. Davis of Illinois.
H.R. 3117: Mr. Aderholt.
H.R. 3149: Mr. Coffman.
H.R. 3186: Ms. DeLauro.
H.R. 3236: Mr. LaHood.
H.R. 3239: Mr. Gomez.
H.R. 3246: Mr. Himes.
H.R. 3265: Mr. Ross.
H.R. 3282: Mr. Labrador, Mr. Kelly of Pennsylvania, and Mr. Graves of Georgia.
H.R. 3316: Mr. Ted Lieu of California and Mrs. Comstock.
H.R. 3329: Mr. Palazzo.
H.R. 3338: Mr. Cohen.
H.R. 3445: Ms. Sewell of Alabama.
H.R. 3530: Mr. Garrett.
H.R. 3539: Mr. Ellison and Mr. Pocan.
H.R. 3602: Mr. Peters and Ms. Wasserman Schultz.
H.J. Res. 116: Mr. Khanna and Mr. Payne.
H. Res. 199: Mr. Thornberry.
H. Res. 396: Mr. Young of Iowa.
H. Res. 319: Mr. Walberg and Mr. Rouzer.
H. Res. 449: Mr. Veasey.
H. Res. 484: Mr. McGovern.
H. Res. 498: Mr. Nadder, Ms. Kaptur, and Mr. Johnson of Georgia.
H. Res. 495: Mr. Young of Iowa.
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.

Our Father, be with us not only in great moments of experience but also during mundane and common tasks of life. Through the power of Your Spirit, make our Senators mount up with wings like eagles, running without weariness and walking without fainting. Lord, give them the wisdom to be patient with others, ever lenient to their faults and ever prompt to appreciate their virtues. Rule in their hearts, keeping them from sin and sustaining their loved ones in all of their tomorrows. Surround them with the shield of Your favor, as You provide them with a future and a hope, accomplishing in their lives more than they can ask or imagine.

We pray in Your sovereign Name. Amen.

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

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

RESERVATION OF LEADER TIME
The PRESIDING OFFICER (Mr. Sasse). Under the previous order, the leadership time is reserved.

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

Senate

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The assistant Democratic leader.

HEALTHCARE

Mr. DURBIN. Mr. President, last week, on a bipartisan basis, the Senate rejected a bill that would have repealed the Affordable Care Act. This should be a turning point, not just in our healthcare debate but in the way that we move forward in the Senate.

The speech given by Senator McCain when he returned to the Senate Chamber last week lasted about 15 minutes, and, in that short period of time, the senior Senator from Arizona reminded us of our historic responsibility here in the Senate and the role that we play under our Constitution as an independent branch of government, and he then exhorted us to put away the partisanship and the gamesmanship and move to what we would call regular order in the Senate: Send a bill to a committee, have the committee consider the bill, bring in experts, go through an amendment process, report it to the floor, and have another amendment process hoping that the collective wisdom of the committee and the body will result in a work product that actually achieves the goal that we set out to achieve. That is the regular order. That is what John McCain asked us to get back to, and now we have that chance.

On a bipartisan basis, I believe the Senate must come together and work on solutions to improve our healthcare system. First, we have to stabilize it. In just a few weeks, the major insurance companies are going to announce their premiums for the next year, and I am afraid they are going to show dramatic increases, because the industry has told us over and over is that the one thing they can’t calculate is the uncertainty of policy decisions. So as long as we have not done our job in stabilizing the healthcare system, they will either step away from risk or charge higher premiums for the possibilities of greater risk. That is what we face in just a few weeks and particularly if this administration—the Trump administration—follows what the President has said over and over in his tweets. We have listened to the President basically say what I consider to be an irresponsible thing: Let the healthcare system fail; then the Democrats will come on their knees and beg us to change it.

Well, if the healthcare system fails, it will not have much impact on the President and his immediate family. They will still have health insurance. But if it fails, many people will not be able to afford basic health insurance. They may lose it, and others may lose their coverage altogether. It could be a personal disaster—a family disaster across the board. I can’t believe that anyone—let alone the President—would suggest that is the best path to a constructive outcome. Responsibility suggests that there is a better way.

Thanks to the Affordable Care Act, 20 million previously uninsured Americans have gained healthcare coverage, including more than 1 million people in my State of Illinois. Thanks to the Affordable Care Act, our Nation’s uninsured rate is at the lowest level in history. We cut it in half in Illinois. Thanks to the Affordable Care Act, insurance companies can no longer engage in the type of abusive conduct that was well known and well established before the passage of the Affordable Care Act.
Before the passage of that law, insurance companies decided that women, because of their gender, had a pre-existing condition and, therefore, had to pay more for health insurance than men. They used to charge older people exorbitant annual or lifetime caps on benefits and kick people off insurance when they got sick and needed care.

The Affordable Care Act changed each and every one of those things. Young adults, in addition, can now stay on their parents’ health insurance plans up to the age of 26, and seniors with Medicare are getting free preventive care and substantial discounts on their pharmaceuticals.

The law is far from perfect. Improvements could and should be made. We have done that over the years to Social Security and Medicare. We should do it again here. Six percent of Americans and 3 percent of Illinoisans purchase their insurance in the individual market, and more than 50 percent of these people have pre-existing conditions that is driving premiums higher.

What have we done to deal with prescription drug costs exactly? Nothing. There is nothing in the Affordable Care Act that even monitors these costs. If they come to the public at large and very little, if anything, has been proposed or passed in Congress to deal with these out-of-control increases in prescription drug prices. I think drug companies should have to publicly justify their prices and provide ample lead time when they are going to raise these prices.

Drugs that are developed with significant Federal taxpayer dollars—and that is many of them—whether from the National Institutes of Health or the Department of Defense, should commit to reasonable prices that are affordable for our constituents. We have legislation to address over the remainder of this work period as well. Our veterans deserve the best care the country can provide. Under the last administration’s VA scandal, the veterans were let down in a big way. Congress came together in the wake of that scandal to pass the Veterans Choice Program, which allows many veterans to skip the long wait and travel times at some VA facilities and access private care.

The House recently acted to shore up that program on an emergency bipartisan basis, 414 to nothing. Now the Senate needs to act as well.

We also need to renew the FDA User Fee Program. This program is critical to speeding up the drug approval process, and that is important to everyone frustrated by the high costs of bringing lifesaving drugs to market. Without it, the important work of ensuring that drugs and devices are safe and effective would literally come to a screeching halt. Every 5 years, these agreements need to be reviewed and reauthorized. The Senate legislation to do so was reported by the HELP Committee on a 21-to-2 bipartisan vote, and given the lifesaving developments in immunotherapy and personalized medicine on the horizon, it is more important than ever.

We have important work to do over the remainder of this work period. I hope colleagues will cooperate across the aisle in our efforts to do so.
AUTHORIZING RECORD PRODUCTION

Mr. MC CONNELL. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 237, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 237) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

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

Mr. MC CONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

EXECUTIVE CALENDAR—Continued

MEASURE PLACED ON THE CALENDAR—H.R. 3219

Mr. MC CONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The bill will be placed on the calendar under the provisions of Rule XIV. I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. MC CONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, the American people are looking to Congress to turn the page on healthcare and start working on bipartisan improvements to our healthcare system. Stabilizing the individual market is the first thing we should all focus on. The repeated attempts to repeal and replace the healthcare law, as well as the administration’s threat to stop making the cost-sharing payments that help keep premiums down and keep markets stable, have injected massive uncertainty into the system.

Insurers hate nothing more than uncertainty. It drives them to jack up the costs of premiums and to pull out of markets. Already, insurers in three States have issued two separate sets of proposed rates for 2018—one if the administration makes the cost-sharing payments and one if it does not. The set of proposed rates if the payments are not made is 20 percent higher in all three States. I don’t know the third, but two of them are North Carolina and Pennsylvania, which are very significant States. In Idaho, the State insurance commissioner said that rates rise people’s rates. His only stated reason is petty, is childish, is un-Presidential. He will get back at people because his hope to repeal and replace was rejected. You do not hurt innocent people when you lose politically. That is not Presidential. That is not, frankly, what an adult does. The ball is in the President’s court, as I said, and let’s hope he does the right thing.

President Trump has already made it harder for Americans to afford insurance next year by publicly rooting for our Nation’s healthcare system to collapse, injecting a baseline of uncertainty into the system. President Trump would make things a whole lot worse if he were to demand that our healthcare system impose a Trump premium tax of 20 percent higher premiums on the American people next year by not extending the cost-sharing program.

Why would he do this? Why would he raise people’s rates? His only stated reason is petty, is childish, is un-Presidential. He will get back at people because his hope to repeal and replace was rejected. You do not hurt innocent people when you lose politically. That is not Presidential. That is not, frankly, what an adult does. The ball is in the President’s court, as I said, and let’s hope he does the right thing.

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The administration is supposed to announce today or sometime this week its decision on whether to make the next set of payments. The ball is in the President’s court. He can make the payments as the law requires and needs or he can sabotage our healthcare system and impose a Trump premium tax of 20 percent higher premiums on the American people next year by not extending the cost-sharing program.

Why would he do this? Why would he raise people’s rates? His only stated reason is petty, is childish, is un-Presidential. He will get back at people because his hope to repeal and replace was rejected. You do not hurt innocent people when you lose politically. That is not Presidential. That is not, frankly, what an adult does. The ball is in the President’s court, as I said, and let’s hope he does the right thing.

From what we have heard from the White House so far, its plan would not do any of that. We Democrats are open to a bipartisan discussion on those issues, but we also believe that, in an economy in which wealth is seemingly funneled to the already wealthy, it is working Americans who deserve tax relief, not those at the very top. The wealthiest Americans have seen outsized benefits from recent economic gains. Now is not the time to shower millionaires and billionaires with another tax break while working Americans continue to struggle to make ends meet.

Today, 45 Members of the Democratic caucus sent a letter to our Republican friends, writing that we are open to bipartisan discussions on tax reform but that we will not support any effort to rewrite the Tax Code to give another tax break to the top 1 percent or add even more to the deficit and the debt. Here are our three principles outlined in the letter:

First, no new tax breaks for the top 1 percent.

Second, it must not increase the debt and must be fiscally responsible.

Third, we must use a regular order process that will ensure true bipartisan input in the product, not the reconciliations that dominate the budget process. AnHIP, the President has proposed that the government be trusted to faithfully execute the procedures that keep our healthcare system on track.

The only good news here is that there are moves by people on both sides of the aisle in this Senate to take some of the uncertainty out of the table and guaranteeing these payments in the future.

My good friends, the chairman of the HELP Committee, the senior Senator from Tennessee, LAMAR ALEXANDER, and the ranking Democratic member, Senator PATTY MURRAY, have an ability to work together on many issues. I know they are meeting almost as we speak—in 5 minutes—to discuss how we can move forward. I spoke to Senator ALEXANDER in the gym, where the Presidential Officer, I would tell his constituents, was exercising and staying fit, too, and he seemed very eager to try to work together to stabilize the system.

TAX REFORM

Mr. President, on another matter—taxes—it is clear that our economy would benefit from a bipartisan package of changes to our Tax Code that would focus laser-like on increasing wages for working families, improving middle-class job growth, and promoting domestic investment while politi-
pass repeal or repeal and replace. Ramming tax cuts through under reconciliation—the very same partisan process that failed for healthcare—is the wrong way to do business for this country. Again, the Democrats are open to a bipartisan discussion on tax reform, but it has to be truly bipartisan, not under reconciliation, and tax reform cannot be a cover story for delivering tax cuts to the wealthiest or result in a ballooning deficit and debt.

CHINA AND NORTH KOREA

Mr. President, finally, on the matter of China and North Korea, under President Trump, North Korea continues to ramp up its aggression; yet China has not taken any significant steps to bring to an end its threatening and destabilizing behavior. President Trump has staked his administration’s approach to North Korea on China doing more, but right now 90 percent of North Korea’s foreign trade is with China, and 95 percent of its foreign direct investment comes from China. Even as the U.N. Security Council and the U.S. Congress have again sanctioned North Korea, China’s trade with this rogue nation has risen more than 30 percent over the past year, according to some reports. Even after the recent ICBM tests—clear violations of international resolutions—China and Russia have worked behind the scenes to water down and weaken additional U.N. Security Council sanctions resolutions.

President Trump has talked about his “wonderful relationship” with President Xi, but this is not the behavior we should expect from a partner that is serious about the crisis on the Korean Peninsula. The bottom line is simple. China could put pressure on North Korea right now, but they are taking a pass, as they have for over a decade. So while Congress has clearly moved the bare minimum as North Korea becomes more and more bellicose.

So, today, I am urging President Trump to use his authority over the Committee on Foreign Investment in the United States, known as CFIUS, and the Treasury Department to suspend the approval of mergers and acquisitions of U.S. assets by Chinese companies until China works to bridle its neighbor’s aggression.

China and its surrogates must face economic pressure if they are not going to help deter North Korea. This is an important tool in our country’s toolbox, and the President ought to use it. I urge President Trump to take a tougher line and suspend the approval of all approved acquisitions in the United States by Chinese companies.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quintum call be rescinded.

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

NORTH KOREA

Mr. GARDNER. Mr. President, I rise today to speak about North Korea, the most urgent national security challenge we face, North Korea and our allies in East Asia.

Secretary Mattis has said North Korea is “the most urgent and dangerous threat to peace and security.” Admiral Gortney, the previous commander of U.S. Northern Command, stated that the Korean Peninsula is at its most unstable point since 1953, when the armistice was signed.

Last year alone, North Korea conducted two nuclear tests and a staggering 24 ballistic missile launches. This year, Pyongyang already launched 18 missiles, including the two recent tests of intercontinental ballistic missiles that are reportedly capable of reaching the U.S. homeland.

President Trump has said that the United States will not allow this to happen, and I am encouraged by the President’s resolve. Patience is not an option with the U.S. homeland in the nuclear shadow of Kim Jong Un. Our North Korea policy of decades of bipartisan success, with pressure and global cooperation resulting in the peaceful denuclearization of the regime.

As Vice President PENCE stated during his recent visit to South Korea:

Since 1992, the United States and our allies have stood together for a denuclearized Korean Peninsula. We hope to achieve this objective through diplomatic means. But all options are on the table.

But time is not on our side. I believe U.S. policy toward North Korea should be straightforward. The United States should deploy every economic, diplomatic, and, if necessary, military tool at our disposal to deter Pyongyang and to protect our allies.

However, the road to peacefully stopping Pyongyang undoubtedly lies through Beijing. China is the only country that holds the diplomatic and economic leverage necessary to put the real squeeze on the North Korean regime.

According to the South Korean state trade agency, China accounts for 90 percent of North Korea’s trade, including virtually all of North Korea’s exports. From 2000 to 2015, trade volume between China and North Korea has climbed more than tenfold, rising from $488 million in 2000 to $5.4 billion in 2015. Beijing is the reason the regime acts so boldly and with relatively few consequences.

China must now move beyond a mere articulation of concern and lay out a transparent path of focused pressure to denuclearize North Korea. A global power that borders this regime cannot simply throw up its hands and absolve itself of responsibility.

The administration is right to pursue a policy of “maximum pressure” toward North Korea, and we have a robust toolbox already in place to ramp up the sanctions track—a track that has hardly been utilized to its fullest extent and a track made even more complete last week with additional sanctions on North Korea.

This Congress, I have introduced the North Korea Sanctions and Policy Enhancement Act, which passed the Senate by a vote of 96 to 0. This legislation was the first stand-alone legislation in Congress regarding North Korea to impose mandatory sanctions on the regime’s proliferation activities, human rights violations, and malicious cyber behavior.

A recent analysis from the Foundation for the Defense of Democracies says:

“However, China’s sanctions have more than doubled since the North Korea Sanctions and Policy Enhancement Act came into effect on February 18, 2016. Prior to that date, North Korea ranked eighth, behind Ukraine/Russia, Iran, Iraq, the Balkans, Syria, Sudan, and Zimbabwe.

Even with the 130-percent sanctions increase after the North Korea Sanctions and Policy Enhancement Act, North Korea is today still only the fifth most sanctioned country by the United States. North Korea is far from being sanctioned out.”

So while Congress has clearly moved from the Obama administration inaction to some action, the Trump administration has the opportunity to use these authorities to build maximum leverage with not only Pyongyang but also Beijing. I am encouraged by the actions the administration took last month to finally designate a Chinese financial institution, but this should be just the beginning. The administration, with congressional support, should now make clear to any entity doing business with North Korea that they will not be able to do business with the United States or have access to the U.S. financial system.

A report released last month by an independent organization known as CAI&DS identified over 5,000 Chinese companies that are doing business with North Korea. These Chinese companies are responsible for $7 billion in trade with North Korea. Moreover, the CAI&DS report found that only 10 of the 5,000-plus companies control 30 percent of Chinese exports to North Korea. So of 30 percent of Chinese exports, 10 companies are responsible for that number in 2016 alone. One of those ten companies alone controlled nearly 10 percent of all imports from North Korea. Some of these companies were even found to have satellite offices in the United States.

According to recent disclosures, from 2009 to 2017, North Korea used Chinese banks to process at least $2.2 billion in transactions through the U.S. financial...
pleading and replacing the provisions of ObamaCare proved a disappointment to many of us. I have found, though, in my time here in the Senate that so often we agree on the goal we want to achieve, but we disagree on the means to achieve that goal.

Some people see the private sector and competition and markets as the best place to regulate economic activity. Other people look at the government as the source of actions that do things like provide access to healthcare. The truth is, in our complicated healthcare delivery system, everybody plays a role one way or the other.

We know that government plays an outsized role already, because we have Medicare, Medicaid, veterans health programs, and the like—the Children’s Health Insurance Program, which we will have to take up and reauthorize again. But these programs exist and provide private health care that actually don’t want to buy, and can afford.

But it is evident that there is a lot of passion about this issue, and that is not going to go away. Certainly, what is not going to go away is the need that consumers across this country of ours have for lower premiums, increased access, and a marketplace that actually functions, where people can buy an insurance product they want to buy, and, of course, there is always the issue of quality of care.

Some people think that maybe Medicaid is the ultimate answer. The fact of the matter is that Medicaid pays a very important role as a safety net for low-income Americans, but most of the medical studies that have been done indicate that medical outcomes under Medicaid are no better than those for those people who don’t have insurance at all. Those people who go to the emergency room includes many people who have Medicaid but have a hard time finding a doctor who will treat them because Medicaid pays doctors at such a low rate that only about one-third of the doctors, especially in my State of Texas, will see a new Medicaid patient. As one of our colleagues has suggested, it is kind of like telling a patient from Vermont wants to do, which is enact a costly single-payer system, which would literally bankrupt our country.

With every day that passes, ObamaCare keeps getting worse but we have no choice but to keep working to find new ways forward. That will include discussions and efforts to keep our promise and fix the mess that has been left to us to face.

There is a lot of American people expect of us. With fragile majorities in the Senate, we have seen that we are forced to work together to try to solve these problems. I think, frankly, bipartisan solutions tend to be more durable.

As we move forward to that work and turn to legislative priorities such as breaking the blockade on nominations, tax reform, getting our economy growing again, getting people back to work—because the economy is growing and they get good, well-paying jobs—and doing things such as rebuilding our infrastructure, something we know is important to our economic future, we will continue this week focusing on something that, frankly, we should have done months ago is seeing that more of President Trump’s nominees are confirmed.

Of course, we know the approach of the Democratic leader from New York has been to obstruct, and slow down as many of these nominations as he can. For example, our Senate colleagues on the Democratic side have allowed only 10 percent of President Trump’s confirmations to go by a voice vote, which is a customary courtesy when there is no controversy associated with the nomination. President Obama’s confirmations went through with 90 percent of them by voice vote because they weren’t truly controversial. What we have seen happen this year is to burn the clock and delay and obstruct and foot-drag as much as possible in order to deny the President his own team.

I realize many people were disappointed on that side of the aisle when President Trump was elected. He was elected President of the United States, and he deserves to have his team in place—particularly when they are not controversial nominees—rather
Tax Code to make it simpler and fairer, one that will encourage businesses to create jobs and bring profits back to our shore. Members of both Chambers—the House and Senate—have been hard at work on a solution that will provide the kind of relief and protect jobs and put Americans first, not government.

I look forward to the debate and the fight for historic tax reform in the coming months. I want to particularly commend my friend and colleague in the House of Representatives, fellow Texan, KEVIN BRADY, chairman of the House Ways and Means Committee, for his great work in that body, together with our chairman in the Senate, Senator HATCH, chairman of the Senate Finance Committee. That is the committee of jurisdiction where we are going to have hearings and a markup this fall.

Finally, I wish to address another area where I believe we can work together on a bipartisan basis, and that is strengthening our Nation’s infrastructure. It is absolutely imperative we build on the success of the FAST Act, the first multiyear surface transportation bill signed into law in more than a decade.

While this piece of legislation was critical to providing States and communities with the certainty they need, we must continue to invest in our Nation’s bridges, roadways, ports, and other critical infrastructure.

I look forward to working with the administration and our colleagues in the Senate and in the House on legislation that will strengthen our Nation’s infrastructure and do so in a fiscally responsible manner.

Finally, I hope to pass the bipartisan legislation that I have introduced to combat domestic human trafficking with bipartisan support, hopefully, later this week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BARRASSO. Madam President, President Trump has been in office for just a little over 6 months. We had an election. The American people said they preferred the Republican vision for the direction this country should go, but it just seems today the Democrats in the Senate think the inauguration never happened.

For more than 6 months, Democrats have engaged in a historic effort to obstruct the work of the Trump administration and the U.S. Government. Normally, on inauguration day, the President gets a substantial number of people confirmed to his Cabinet. The idea is to let the President get his team in place so then they can go about hitting the ground running.

President Obama had six of his Cabinet Secretaries confirmed on Inauguration Day in 2009. All of them were confirmed by voice vote. They didn’t even have to do a rollcall. People agreed, in a responsible manner, to work together on a bipartisan basis.

Unfortunately, it is so ordered.

Now, Democrats aren’t interested in giving a Republican President a chance and for all of us to work together when we can. President George Bush had seven people nominated and confirmed on his first day in office. That is the way it usually worked but not anymore.

Now, Democrats aren’t interested in working together. Last January, President Trump only had two people confirmed to his Cabinet on inauguration
day. There were two people ready to get to work on the day he took office, the Secretary of Defense and the Secretary of Homeland Security. These were the only two jobs the Democrats let the President fill. By the end of January in President Obama’s first 6 months of office, 10 of his Cabinet Secretaries in his first term. His Cabinet was almost entirely set by the end of the month that he took office, January 2009, but because of ongoing obstruction by Democrats in the Senate, President Trump still had only three Cabinet Secretaries in their seats by the end of January. That is an incredible level of obstruction when you compare it to what has happened historically.

It didn’t stop with members of the Cabinet, and it didn’t just end in January. Democrats have continued to make the Senate jump through procedural hoops. In President Obama’s first 6 months of office, 206 people were confirmed to serve in his administration. In President Trump’s first 6 months, Democrats continued to block the way, allowing us to approve only 55 nominees for those first 6 months. So President Obama had nearly four confirmations for every one of President Trump’s nominees over the same period of time. The difference is stark and the reason is simple: Democrats have been putting up roadblocks, one after another, on even the most noncontroversial of nominees. It is not how things worked in the past in previous administrations. Many of these nominees for important jobs would get approved by what we call in the Senate unanimous consent or by a voice vote.

Republicans have been willing to let a lot of Democrats take their jobs without wasting time on rollcall votes and running out the clock. In President Obama’s first 6 months in office, Republicans allowed 182 of his nominees to be confirmed by unanimous consent or voice vote. That is almost 90 percent of the jobs filled in those first 6 months by unanimous consent—general agreement—but in the same time, the Democrats only allowed five of President Trump’s nominees to get through without a rollcall vote. That is the level of Democratic obstructionism.

They have been blocking judges, Cabinet Secretaries, and other high-ranking officials. Many of these nominees even had Democratic support. It is interesting to us, and many of these so they weren’t controversial at all. Democrats in the Senate forced us to file cloture 34 times on people nominated to fill important jobs in the U.S. Government. We had to force the Democrats to act.

In President Obama’s first 6 months, there were only eight cloture votes. There is no way Democrats can argue that they had principled objections to these 34 nominees where we had to file cloture on their nominations. The only explanation is that they did not want the President to have his team in place. When you take a look at those 34 people whom we had to go ahead and file cloture on, half of them ended up getting 60 or more votes for their confirmation so they had support by Democrats as well as the Republicans. There was no reason—no need to slow them down other than obstruction of the President. One nominee whom we had to file cloture on all the way through the process even received a unanimous confirmation vote—a rollcall vote in the U.S. Senate—100 to 0. Yet the Democratic leader made us file a motion to proceed and get a cloture vote on this individual whom then they approved 100 to 0.

Why the need to go through this? Democrats blocked him as long as they could. Yet not a single Democrat then stood to vote against him when his name was called for a rollcall vote. So why are Democrats blocking votes on people whom they then intend to support and do support with their votes? They are just trying to slow things down. The Democratic leader actually admitted his plan during the debate over confirming the No. 2 person at the Pentagon. It is someone whom the Senate actually confirmed with 92 votes in his favor. Yet they slowed him down. Then he received 92 votes...

Republicans wanted to speed up the process a little. Senator SCHUMER objected. Did he have a problem with the nominee’s qualifications? No. The Democratic leader said on the floor: “We don’t even know whether the nominee in regular order, and maybe once things change a little bit in healthcare, we can.”

It had nothing to do with the person who was nominated, nothing to do with anything, according to Senator SCHUMER, other than the fact that we were discussing healthcare in this country. It had nothing to do with the importance of the position that was going to be filled in the Pentagon. It was all because Democrats were trying to stall the debate over healthcare reform. There are the numbers: nominees confirmed in the first 6 months for Obama, 206; President Trump, 25.

Republicans are trying to keep the Federal Government functioning by filling these jobs that had been empty. Healthcare is a very separate thing. Both of these are important. The only thing they have in common is the Democrats have been playing politics with the country’s health care system, and it is not acceptable. The Democrats’ blockade against President Trump’s nominees has caused what I believe has been a dangerous backlog. We still have 84 people who have been nominated by the President for positions in the government who have cleared the committees and are now just waiting for a vote on the Senate floor—slowed down by Democratic obstruction.

Democrats are trying their best to drag this out. It seems to me, as long as we can’t ratify the nominees, the Senate rules say that means up to 30 hours of debate once we vote to move forward on a nomination. Maybe that is too long. Senator RON JOHNSON wrote an op-ed in the Washington Post over the weekend with the headline: “Let’s break this Senate logjam.” He suggests we cut the time back from 30 hours of debate to 2 hours of debate. That would certainly speed things up, and maybe that is the way to go. Let’s take if this level of obstruction continues.

Whatever we do, we cannot allow this logjam to continue. These are important jobs—important positions. The American people deserve to have somebody in every one of these 34 positions. The debate over healthcare reform should be about what’s right for the country, not about who gets confirmed to government jobs.

Last Friday, after the healthcare vote, Senator SCHUMER called for us to work together. He said: “There are things we can do rather quickly, including moving a whole lot of nominations.” I am going to hold the Democratic leader to his word on this. Let him show that he meant what he said.

We should be able to clear the decks of these 84 nominees who have come through the Senate committee, whom the President has confirmed, and are waiting here to be confirmed. We should do it by unanimous consent. If Democrats object to one or two of them, let’s have a rollcall vote so we can get it on the record. It is time to stop this mindless obstruction that serves no purpose except to delay.

Thank you, Madam President. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO assumed the Chair.

Mr. SHELBY. Mr. President, I rise today in support of Kevin Newsom, for whom I have the utmost regard for his intellect and integrity.

Kevin Newsom is someone whom the Presiding Officer knows well, having himself been the solicitor general for the State of Texas before he became a U.S. Senator. I believe Kevin Newsom to be an exceptional choice for this high honor. I have the utmost regard for his intellect and integrity.

Kevin grew up in Birmingham, AL. He graduated first in his class from Samford University in Birmingham and went on to graduate with highest honors from Harvard Law School, as the Presiding Officer began to speak. He began formal study of law in his 10th year. He went on to have two sons, Chapman and Marshall James, who are now 12 and 14 years old respectively.

Kevin is no stranger to the courtroom. He began his legal career as a law clerk on the Ninth Circuit Court of Appeals for Judge O’Scannlain, as well as U.S. Supreme Court Justice David
Mr. McCONNELL. Mr. President, I ask unanimous consent that the papers on Appellate Rules by Chief Justice John Roberts. This is a signal honor, as the President of the Senate, by examining any person nominated to serve in a judicial capacity. I believe that President Trump has made the right decision in selecting Kevin Newsom to sit on the Eleventh Circuit. Moreover, the American Bar Association unanimously gave Kevin a “well qualified” rating to serve on the Eleventh Circuit—the highest possible recommendation they are able to give.

I am confident that Kevin Newsom will serve honorably and apply the law with impartiality and fairness, which I believe is required of all judges. I believe that President Trump has made the right decision in selecting Kevin Newsom to sit on the Eleventh Circuit. I am hopeful that later today my colleagues on both sides of the aisle will vote to confirm Kevin Newsom without any reservations.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the papers with respect to H.J. Res. 76 be returned to the House of Representatives at their request.

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

ORDER OF PROCEEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 p.m. today, the Senate proceed to the consideration of Calendar No. 178, the nomination of Christopher Wray to be Director of the FBI. I further ask that there be 4 hours of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation of the nomination with no intervening action or debate; that if confirmed, the President be immediately notified of the Senate’s action. I further ask that following disposition of the Wray nomination, all postcloture time on the Wray nomination be considered expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. Then, at 2:15 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. Portman).

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation for a term of ten years.

The PRESIDING OFFICER. There will now be 4 hours of debate equally divided in the usual form.

The President pro tempore, the Senator from Utah, is recognized.

Mr. Hatch. Mr. President, I represent a generation of lawmakers brought up on the principles of bipartisanship and compromise, and I believe these very virtues are the key to my success as a legislator. By putting these principles in practice as chairman of the Finance Committee, I was able to pass more than 40 bills into law during the last Congress, and by working with my friends across the aisle over many decades of public service, I have been able to pass more legislation than anyone alive today.

I draw from these personal experiences to illustrate a simple point: In an era of endless gridlock and increasing polarization, there is no alternative to civility and healthy debate. We would do well to remember this in light of the frustrations we have all felt over the past several months.

The Senate is capable of so much more than it is today. I know because I have seen the Senate at its best, and I have seen the Senate when regular order was the norm, when legislation was debated in committee, and when Members worked constructively with one another for the good of the country. I have seen the Senate when it truly lived up to its reputation as the world’s greatest deliberative body.

I believe we can again see this body at its best, but restoring the Senate to its proper function requires real change on all sides. It begins by recognizing that all Members, regardless of party, are to some extent culpable for the current dysfunction. If we want to break free of the current gridlock and if we want to show the American people we are serious about legislating, then we have to be honest with ourselves and recognize that laying all the blame on the other side is as counterproductive as it is disingenuous.

Most importantly, we must be willing to work in good faith with Members of the opposite party. All too often, we miss the opportunity to effect meaningful change by hiding behind partisan differences. We must take the opposite course by renewing our efforts to reach across the aisle to overcome division and forge consensus. There is no better template for effective, bipartisan legislating.

This is the model I have followed for decades for the betterment of Utah and the Nation, and it is the model I have followed most recently in working with my dear friend Senator Coons to introduce the International Communications Privacy Act, or what we affectionately refer to as ICPA.

ICPA is more than just a commonsense proposal that updates law enforcement for the modern age; it is a symbol of what our two parties can accomplish when we lay aside petty differences and come together for the good of our Nation. This is this proposal. Senator Coons and I took great pains to strengthen international data privacy protections while also enhancing law enforcement’s ability to access data across borders.

This issue has been a priority of mine. I have spoken about it at length both here on the Senate floor and in other venues and have introduced legislation on the subject over multiple Congresses. Most recently, I came to the Senate floor to explain how the rise of cloud and remote network computing has transformed the way we store data and to describe the implications of that transformation for our data privacy laws.

Until relatively recently, most electronic data was housed in personal computers or on servers located in offices or homes. This meant that in order to access data, a person could simply go to the relevant location and retrieve it. That is no longer the case. Nowadays, much of our data is stored not on home or office computers but in the cloud—a network of remote servers spread throughout the world that allows us to access data from literally anywhere. Data pertaining to a single individual or even to a single document may be stored at multiple sites spread across countries or even continents.

This has profound implications for data privacy. To begin with, our privacy laws require government officials to obtain a warrant before they can access many types of electronic communications. Warrants, however, traditionally have stopped at the warrant’s edge. This means that if a law enforcement agent is investigating a crime here in the United States but a key piece of information is stored on a remote server outside the United States, the agent may have significant difficulty obtaining the information. Without a warrant or the ability to get one, the agent must turn to diplomatic channels to obtain the information—a process that can be extremely slow and cumbersome.

This is the model I have followed for decades for the betterment of Utah and the Nation, and it is the model I have followed most recently in working with my dear friend Senator Coons to introduce the International Communications Privacy Act, or what we affectionately refer to as ICPA.

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Our privacy laws also prohibit disclosure to foreign entities. This means that when a foreign government is investigating a crime within its borders and a key piece of information is stored in the United States, the foreign government must likewise work through diplomatic channels to obtain the information.

The growing prevalence of cloud and remote network computing has put law enforcement into increasing conflict with these sorts of restrictions. Crime knows no borders. A child pornographer in Bangalore may post photos of an American victim on a British server which can be accessed worldwide. A U.S. official investigating the crime may need information stored on the British server in order to track down the culprit. If the server was in the United States, the official could simply issue a warrant. But that tool isn’t available in this scenario because the server is overseas.

Moreover, that United Kingdom may have a statute, similar to our own law, that prohibits British service providers from disclosing communications to foreign entities. Diplomatic channels exist for sharing such data, but these channels are operationally slow and can take months or even years to process requests. In the meantime, crimes go unpunished and perpetrators disappear.

This state of affairs is simply not tenable. We cannot allow outdated laws to hamstring law enforcement efforts in this way. At the same time, we must adequately protect Americans’ privacy against unwarranted government intrusion.

Some have suggested that the answer is to simply extend the reach of U.S. warrants worldwide. This, however, is not a viable solution as foreign disclosure laws can and do conflict with U.S. laws. Extending the reach of U.S. warrants internationally would place service providers in the impossible position of having to choose which country’s laws to violate—ours or the foreign jurisdiction’s.

What we need is a sensible regime with clear rules that determine access based on factors that matter to the person whose data is being sought. At the same time, we need to take proper account of the laws and interests of other countries, especially our allies.

We ought to avoid, wherever possible, trampling on nations’ sovereignty or ignoring their own citizens’ legitimate claims to privacy. Accordingly, ICPA sets clear rules for when and how U.S. law enforcement can access electronic data based on the location and nationality of the person whose data is being sought.

Here is what the bill says:

If a person is not a U.S. national, however, and is not located in the United States, then different rules apply. These rules are founded on three principles: respect, comity, and reciprocity.

First, respect. If U.S. law enforcement wishes to access data belonging to a non-U.S. national located outside the United States, then U.S. law enforcement must first notify the person’s country of citizenship and provide that country an opportunity to object. If the country disagrees, it then gets an opportunity to assert the privacy rights of its citizen.

Second, comity. If, after receiving notice, the other country lodges an objection, a U.S. court undertakes a comity analysis to determine whose interests should rightly prevail—the U.S. interests in obtaining the data or the foreign interests in safeguarding the privacy of its citizen. As a part of this analysis, the court considers such factors as the seriousness of the crime, the location of the crime, the possible position of having to choose which country’s laws to violate—ours or the foreign jurisdiction’s.

Third, reciprocity. In order to receive notice from the server to object, the other country must provide reciprocal rights to the United States. This ensures that the U.S. provides its own citizens an equal or greater level of protection against foreign requests for data. It also offers incentives to foreign governments to properly safeguard the data of U.S. citizens within their borders.

Up to this point, I have been focusing on requests by U.S. law enforcement for data stored outside the United States, but there is another side to the problem, and that is what happens when foreign law enforcement requests data stored inside the United States.

As I have mentioned, our privacy laws provide for extraterritoriality to foreign entities. Suppose a British subject committed a crime in Britain but data relevant to the investigation is stored in the United States. Even if British law provides for extraterritorial process, a UK official investigating the crime will be unable to obtain the data because U.S. law prevents disclosure to foreign officials. As with U.S. requests for data in other countries, diplomatic channels exist for sharing such data, but these channels are slow and extremely cumbersome.

Accordingly, for the past several months, I have been working with Senators GRAHAM and others to find a solution for this second part of the problem. Senator GRAHAM, together with Senator WARRINER, convened a hearing in May of this year that I believe highlighted the need for action. I have also met with Ambassadors and other high-ranking foreign officials who have impressed upon me the challenges they face in clearing the data they want, even if the foreign person was an American.

I think we need to address this second side of the problem—foreign requests for data in the United States—as well. We need to address it in conjunction with the first side—U.S. requests for data in other countries.

It will not do to give foreign authorities reader access to data stored in the United States without likewise clarifying U.S. law so that we may compel disclosure, regardless of where the data is stored, for data stored abroad. Similarly, it is inconceivable to me that we would open our doors to foreign law enforcement requests while telling U.S. law enforcement that data in other countries is off-limits. We should not prefer foreign criminal investigations over domestic ones.

I believe these two issues—ICPA and the bilateral United States-United Kingdom agreement—are inextricably linked. I have worked in good faith with Senator GRAHAM and with Senator WHITEHOUSE to find a path forward on these issues. It is my firm belief that we need to move these two issues together. Everyone has a vested interest in privacy, and anyone who has a vested interest in bringing criminals to justice. We are going to work together on this.

In closing, I would emphasize one additional point. The question of whether, when, and under what circumstances the United States should authorize law enforcement access to data stored abroad is a question for Congress. There have been suggestions in the corridors that this is a question for the courts to decide. I emphatically reject that question. This is a policy question for Congress.

We should not defer to the courts’ interpretation of a statute that was passed 30 years ago with no thought or comprehension of the situation we face today. Subject to constitutional constraints, it is Congress’s job to set the bounds of government’s investigatory powers. We decide what government officials can and cannot do. We should not pass the buck to the judiciary merely because this is a complicated issue. We shouldn’t do that.

The International Communications Privacy Act provides a framework for guidance to law enforcement while respecting the laws and interests of our allies. It brings a set of simple, straightforward rules to a chaotic area of the law and creates an example for other countries to follow. It is a balanced approach and a smart approach, and it deserves this body’s full-throated support.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THUNE. 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. THUNE. Mr. President, when polls ask Americans what issues are most important to them, one topic seems to score higher than almost any other—jobs and the economy. It is not surprising. The American people have had a rough time over the past few years.
The Obama years were characterized by long-term economic stagnation. Jobs and opportunities were few and far between. Wage growth was almost nonexistent, and yearly economic growth alternated between weak and woeful.

During the last year of the Obama administration—years, I might add, after the recession ended—economic growth averaged a dismal 1.5 percent. That is barely half of the growth needed for a healthy economy.

There have been some encouraging signs over the past few months. Economic growth for the second quarter of 2017 was stronger. We still have a way to go to get to where we need to be. Things still need to get better and better faster.

Another thing is, we want things to get better for the long term. During the Obama administration, there were periods of reasonable economic growth, but they were quickly followed by weakness. That is not good enough. We need to put our economy on a strong, healthy footing for the long term.

How do we do this? How do we get back on the path to long-term economic health? One important thing we can do is reform our outdated, inefficient, and growth-stifling Tax Code.

The Tax Code might not be the first thing people think of when they think of economic growth, but it actually plays a huge role in every aspect of our economy. It helps determine how much money you have left over to save or invest or whether you can afford a car or a house. When it comes to businesses, it can be the key to determining whether a young business gets off the ground or an existing business has the money to grow and to hire new workers.

Unfortunately, our current Tax Code is not helping our economy. Too often, American families find their opportunities limited by the size of the tax bill they owe to Uncle Sam. Large and small businesses alike find themselves struggling under heavy tax burdens that compromise their ability to grow and compete.

What does tax reform need to look like? On the individual side, of course, we need to lower income tax rates to put more money in Americans’ pockets. American families should be the ones responsible to spend and the ones earning and not Washington bureaucrats.

On the business side, there are two important things we can do that will have long-term benefits for economic growth: first, lower tax rates for all types of businesses—sole proprietorships, S corporations, limited liability companies, and corporations; and, second, accelerate the rate at which businesses can recover their investment costs to free up money for them to reinvest in their businesses, create new jobs, and grow.

When it comes to lowering business tax rates, there are several things we need to do. For starters, we need to lower our Nation’s corporate tax rate. The United States has the highest corporate tax rate in the developed world. That puts American businesses at a competitive disadvantage in the global economy.

When American businesses are taxed at a far higher rate than their foreign competitors, it is likely to be the foreign, rather than the American, companies that expand and thrive.

It is not just our high corporate tax rate that puts American businesses at a competitive disadvantage. It is also our outdated worldwide tax system. If we want American businesses to stay competitive in the global economy, we need to move from a worldwide tax system to a territorial tax system.

The chairman of the Senate Finance Committee, Senator Orrin Hatch, delivered a speech the other day explaining exactly why we need to move to a territorial system. I highly recommend reading his full speech, but I am going to just try to highlight some of the points he made in that speech.

What does it mean to have a worldwide tax system? Under a worldwide tax system, American companies pay the tax on their profits made here at home, as well as any profit they make abroad, once they bring that money back home to the United States.

The problem with this is twofold. First, these companies are already paying taxes to foreign governments on the money they make abroad. While the current Tax Code gives them some credit for those foreign tax payments, they can still end up paying some U.S. taxes when they bring that money home, meaning they are being taxed twice on those profits.

This discourages companies from bringing their profits home to invest in their domestic operations in the United States. If the tax burden for bringing that money home is too great, they have a strong incentive to leave that money abroad and invest it in foreign workers and foreign economies.

The other problem is, most other major world economies have shifted from a worldwide tax system to a territorial tax system. In a territorial tax system, you pay taxes on the money you earn where you make it and only there. You aren’t taxed again when you bring that money back to your home country.

Most of American companies’ foreign competitors have been operating under a territorial tax system for years so they are paying a lot less in taxes than American companies are. That leaves American companies at a competitive disadvantage.

These foreign companies can undercut American companies for new business simply because they don’t have to add as much in taxes into the price of their products or services. By moving to a territorial tax system in the United States—a move that is supported, by the way, by Members of both parties—we can put American companies on an even footing with their global competitors.

With a territorial tax system and a lower corporate tax rate, we can provide a strong reason for companies to keep their operations in the United States and to bring their profits back home, instead of incentivizing companies to send their operations overseas the way they do now.

Improving the competitiveness of American companies will give them a reason to invest their profits back home will have huge economic benefits, not only for American companies who are competing in the global marketplace but also for all the small- and medium-sized companies that form the supply chain here in the United States.

For every American company that operates in countries around the world, there are countless companies here at home that supply the raw material for the products that are sold abroad—businesses that benefit when the products and enterprises that supply support services like accounting and legal and payroll services.

The list goes on. America’s global competitors rely on a web of supporting businesses that spans the entire United States. As a result, when American companies are successful, so is the American economy.

Obviously, lowering corporate tax rates and moving to a territorial tax system will have the most impact on American companies with an international footprint. Tax reform also has to focus on that other engine of economic growth; that is, the American small business.

Like bigger businesses, small businesses currently face high tax rates, at times even exceeding those paid by large corporations. Lowering tax rates for small businesses has to be a part of any reform bill.

A dollar saved in lower tax rates is a dollar a small business owner can put back into the business to expand, to add another worker, or to give employees a raise. The other thing we can do for small businesses is to allow them to recover their investments in inventory, machinery, and the like faster.

Under current law, small- and medium-sized corporations are often required to use a method of accounting that is accrual accounting. Basically, what that means is, a business has to pay tax on income before it receives the cash and cannot deduct all of its expenses when it pays the invoice.

For investments in equipment and facilities, the delay in recovering the cost of the investment can be even longer. For instance, right now, the cost of a computer is recovered over 5 years; tractors, over 7 years; and commercial buildings, over 20 years.

For many businesses, this means it can be many years before that substantial investment can be fully deducted. That can leave a business extremely

CONGRESSIONAL RECORD — SENATE
August 1, 2017
Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. Mr. President, I rise today to recognize the 10th anniversary of the collapse of the I-35W bridge and to pay tribute to those who lost their lives on that tragic summer day, as well as all the first responders, healthcare workers, and ordinary citizens who did extraordinary things on this day 10 years ago.

First, I want to acknowledge one other topic; that is, this evening we will be voting on the nomination of Christopher Wray to serve as the FBI Director. I was proud to join all of my colleagues on the Judiciary Committee—now, it is not an ordinary thing to have happen on its own law. Mr. Wray was the only one running for that position. It is all this side of the aisle to support Mr. Wray’s nomination in committee on July 20 with a unanimous vote of support.

In his hearing, Mr. Wray showed that he has integrity, that he will follow the law, and that he understands the importance of an independent FBI. Senators on both sides of the aisle asked him strong and tough questions. Given this important time in our Nation’s history for law enforcement and for the FBI, I don’t think you would expect anything less.

Mr. Wray handled the questions well. He was knowledgeable, but most importantly for me, he showed respect for the agents, and he showed respect for his predecessors, both Mr. Mueller and Mr. Comey. He showed respect for the law, and he understood the somber time in which he comes in to take this job.

In particular, Mr. Wray said that if he were asked to do something illegal or unethical, he would urge the President not to proceed with such a course of action, and he would resign if necessary. Mr. Wray also responded to Senator Risch that he did not consider Special Counsel Mueller to be on a witch hunt, and he agreed that anyone running for elected office should notify the FBI if a foreign government offers assistance on a political campaign.

Mr. Wray also agreed with the concerns I raised that are posed by organized criminals, including those from foreign governments or who work for foreign governments or who work for organized criminals, including those from foreign governments or who work for foreign governments or who work for

1-35W BRIDGE COLLAPSE ANNIVERSARY

Mr. President, I am here today to talk about the I-35W bridge, and, as I said earlier, this tragedy that captivated not only my State but the country and the world. It was 10 years ago to the day that the I-35W bridge collapsed into the Mississippi River, taking the lives of 13 people and injuring over 100. It was a day I will never forget.

The police chief was killed diving in, and the police chief’s two children survived. The police chief could only work on the investigation with his officers but also calm the community, work with them, and do the other work that had to be done in the aftermath of this tragic stabbing.

That is just one example of our FBI in Minnesota, but I think every Member in this Chamber has examples in their own communities, and that is why it is important to have someone of the caliber of Christopher Wray take charge. I look forward to voting for his confirmation this evening.

I am very proud of the work the FBI in Minnesota has done, especially in the past year, with the situation we had at the shopping mall. The police chief there often talks about how there was so much going on at that moment, and the FBI was able to come in and help with that investigation in a significant way over the last year. I also think it is important to have someone who can work with the investigation with his officers but also calm the community, work with them, and do the other work that had to be done in the aftermath of that tragic stabbing.

As I said that day, a bridge just shouldn’t fall down in the middle of America—not an eight-lane highway, not a bridge just a few blocks from my house that I drive over every single day with my family. But it happened, and when something like that happens, a lot of it has to do with, yes, what caused it—you want to know that—but also you want to know how the community responded, and that gets to the part that I really wanted to focus on today.

In the minutes and the hours following the disaster, the response of Minnesota’s firefighters, police, hospital personnel, emergency personnel, and ordinary citizens was nothing short of heroic. Everyone just ran away from that disaster. They ran toward it.

Everyone remembers the video of the off-duty firefighter diving in, over and over again, looking for survivors, or the driver of a school bus precariously hanging on the edge of that broken-down bridge, where ordinary people had come to help on this broken
bridge as the school bus rested on the side, ready to fall. To get the kids off the bridge—they were just going to a summer camp and coming home for the day—the driver was helping them out one by one, not leaving that bus until every single kid got off the bus. During the next hour with the bridge still standing, the Minneapolis Emergency Communications Center received and processed over 500 calls, 51 of which came directly from the scene of the disaster.

They eyes of the Nation were on our State, and what they saw that day was the very best of Minnesota. That tremendous spirit of community is what carried us through the dark days after the bridge collapsed. I remember going there with then-Senator Coleman the next morning with the Transportation Secretary. There were already, literally, billboards the morning after, directing people where to go because this involved a major highway and telling them what would be working and which way they should go. That is a community responding.

Senator Coleman and I pledged that day that we would work with Congress—man Oberstar, who was a major force—whom I worked with until I was in the House Transportation Committee and then, of course, with Congressman Ellison, who is the Congressman for that district.

Senator Coleman and I pledged to get the money, and we secured $250 million in emergency bridge reconstruction funding in just the first few days. It was a bipartisan effort, and I was proud to have the support of so many people in this Chamber. As a result of that—and maybe this is a lesson in light of what we heard in Senator McCain’s beautiful speech and in light of what we know we still need to be doing with infrastructure in this country—with President Bush’s help and with bipartisanship, we rebuit that huge bridge in Minnesota in a little over a year. Literally 13 months later, I was driving over that bridge to my house.

It is a shining example of what we can accomplish when we put politics aside to get big things done. I believe the I-35W bridge can and should be a model, not just of a tragic disaster and of our declining infrastructure, which it certainly is, but also a model of how we can fix things—a Republican Senator working with a Democratic Senator, and we got it done.

We have made some progress in this Chamber when it comes to infrastructure. In 2015, Democrats and Republicans worked together to pass the Fixing America’s Surface Transportation Act or FAST Act, led by Senator McCon nell, the leader, with Senator Boxer. They don’t agree on much, but they worked hard to get that bill done. I have always loved that it was called the FAST Act. It is kind of a scary thing to have a bill in Congress that lasts the days, but they named it that, and it got done. It was a long-term reauthorization bill that increased transpor-
tation funding from existing revenue streams and helped provide certainty for local governments planning critical projects.

Under the FAST Act, Minnesota is scheduled to receive more than $4 billion to fund the 15 years which will help to ensure that our infrastructure is safe and efficient, and by the last year, it will be an increase of about $100 million just for our State over what we were getting the year before we passed the FAST Act. But we still need to do more.

This year, the American Society of Civil Engineers, which every so often comes out with grades of the Nation’s infrastructure, gave America’s infrastructure a grade of D-plus. While other countries are running ahead with infrastructure investments, we are still standing still. Even with the FAST Act, it doesn’t propel us into the future, where we want to be. As we know—and as the President himself—know from his own State of North Dakota—we are an export State; we are an export country. We have to bring goods to market, and we have to bring goods into the United States. We also have to bring people to their jobs, and we have to bring people to infrastructure—roads, bridges, rails, locks, and dams—that was set up for the last century. Standing still means falling behind in this global economy. In Minnesota, we know the cost of neglecting our roads and bridges. Our country needs to build roads, bridges, airports, locks, dams, and rails that work.

While safety should always be our first priority, it shouldn’t be our only expectation. Our infrastructure should help farmers from the President Officer’s home State of North Dakota and my State of Minnesota to get crops to market quickly. Small businesses have to grow, and workers have to get to their jobs.

Let’s not forget about updating our energy grid, repairing and replacing our water infrastructure and sewers, and making sure all Americans have access to broadband—not just low-speed broadband but high-speed broadband. I don’t want to hear about another farmer going to the McDonald’s parking lot to do his business or a doctor in northern Minnesota going to look at his x rays. If he couldn’t use the hospital, he couldn’t look at x rays at home or anywhere except another coffee store parking lot. That makes no sense.

If our deteriorating infrastructure goes unaddressed, it will cost our economy nearly $4 trillion by 2025, leading to a loss of over 2 million jobs. If we address it, we can create millions of jobs.

Here are some ideas. Senators Mark Warner of Virginia and Roy Blunt of Missouri have a bipartisan bill that I am part of that would establish an infrastructure financing authority to complement existing funding and expand overall infrastructure investments by providing new incentives to increase private sector spending. Another idea is to reform our Tax Code—and we have to do a lot of work on that—to simplify it and to create incentives for businesses to invest right here in America. We can also provide incentives because, especially when it comes to rural America, we are not going to see the same kind of public-private partnership that you might in other, more populated areas of the country. So it has to be a combination of funding sources to make this work for every State, especially for rural America.

I am committed to moving forward in a bipartisan way to address our infrastructure needs and to prevent another tragedy like the collapse of I-35W bridge. It is time to work together to make this happen. I actually believe the Senate is a place where we can make this happen. We showed the ability to get through a major infrastructure bill just 2 years ago, and we can do it again.

Today, on this 10th anniversary, we honor the victims, and their families, of that I-35W bridge collapse. We recognize the bravery of the first responders, who were incredible, and the 911 operators, who did their duty and answered those calls and got the help where they were supposed to go, and the doctors, nurses, ER people, ambulance workers, and everyone else.

Today, we also—and I can’t think of a better time, when we are going through a difficult period, as we are in our country—remember the actions of ordinary citizens who could have just said: Oh, this looks scary; I am going home. They didn’t do that. They didn’t run away from the disaster; they ran toward it. Ordinary citizens did extraordinary things. Why? Because they cared about their neighbors. Because they knew that while maybe they had crossed over that bridge 5 minutes before it collapsed and could see it in their rearview mirror, or maybe they were approaching the bridge and actually saw it collapse—if it weren’t for a 5-minute or 1-minute or 30-second difference, it would have been them on that bridge, and they knew that, and that is why they helped.

That is what America is really all about. It is not just a lottery where only certain people win and certain people lose. You have to put yourselves in the shoes of other people and think, we are all on one team. That is what democracy is about, and that is what we saw on this day 10 years ago, August 1, in Minnesota.

Thank you, Mr. President.

I yield the floor.

Mr. DURBIN. Mr. President, I will support the nomination of Christopher Wray to be the next Director of the Federal Bureau of Investigation.
I met with Mr. Wray prior to his hearing, and I have carefully reviewed his record and listened to his hearing testimony. I believe he is well qualified and that he is sensitive to the fact that the FBI Director needs to be independent from this President and this Administration.

We are at a perilous moment in our history. Director Comey was fired by President Trump after he refused to pledge his loyalty to President Trump and after he publicly acknowledged that the FBI was investigating links between the Trump campaign and Russia. In the 109-year history of the FBI, only one FBI Director had ever been fired before. That director, William Sessions, was dismissed for serious ethical violations—not because the FBI was investigating the administration. Not since Watergate and the Saturday Night Massacre of October 20, 1973, has a President dismissed the head of an ongoing investigation into his administration.

From his own statements to NBC News and to Russian officials in the Oval Office, we know that President Trump wanted FBI Director Comey gone because of the Russia investigation—the very investigation Russia attacked our democracy last year. Almost every day, there is a new revelation about Russian contacts with the Trump campaign and administration. We owe it to the American people to get to the bottom of what happened.

Fortunately, we now have a special counsel, Bob Mueller, who is investigating whether any crimes were committed. We also need to make sure no foreign adversary can interfere with our elections again. I believe that the next FBI Director allow Special Counsel Mueller to conduct his investigation without interference and that the FBI provide Mueller with access to the information and resources he needs.

It is also imperative that we have an FBI Director who will carry out the functions of the office with independence, integrity, and a firm commitment to the rule of law. I appreciate that Mr. Wray shares my view that the FBI Director should avoid meeting with President Trump one-on-one and that the FBI Director would be well-advised to make contemporaneous written records of any substantive conversations with President Trump.

Mr. Wray also told me he has no reason to doubt the intelligence community’s conclusion that Russia interfered in our election. I look forward to hearing more from Mr. Wray on this subject after he is confirmed and has reviewed the classified intelligence.

He also committed to work with me to address the scourge of illicit gun trafficking coming into the city of Chicago and to work with me on efforts to reduce youth exposure to violent trauma.

I asked Mr. Wray about the criminal division’s involvement in a 2004 memo by the DOJ Office of Legal Counsel on torture. He said he was not involved in reviewing or approving this memo or any CIA interrogation techniques and that he agrees with former FBI Director Mueller that interrogation techniques such as painful stress positions are “abusive under all circumstances.” I appreciate his commitment to ensuring that FBI personnel never use or participate in abusive interrogation techniques. Mr. Wray also committed to me that, if confirmed, he would support the Senate Intelligence Committee’s torture report, and I look forward to hearing his reflections on it.

Mr. Wray told me that he agrees with former Director Comey that Federal courts and Federal prosecutors are effective in prosecuting terrorists and obtaining valuable intelligence, which is clear when you compare our courts’ record in convicting more than 500 terrorists since 9/11. In contrast, military commissions have produced eight convictions, four of which have been overturned.

I appreciate Mr. Wray’s commitment to “seek to maintain and build trust with all Americans, including Muslim Americans in our own country.”

The next FBI Director will be under incredible scrutiny. We need an FBI Director who will face that pressure with integrity, independence, and a firm commitment to the rule of law. He may also have to stand up to this President. If the interests of justice call for it, I believe Mr. Wray can do that, so I will support his nomination, and I hope I will be joined by my colleagues in closely monitoring the FBI to ensure Mr. Wray is effectively serving the American people and the rule of law.

Mr. LEAHY. Mr. President, I supported Christopher Wray’s nomination in the Judiciary Committee to be the next Director of the Federal Bureau of Investigation. I did so because I believe he is qualified and—critically—I believe he will stand up for the independence of the FBI. Such independence has never been more at risk. We need a new FBI Director now because the President fired the last one, Director James Comey. The President’s reason for doing so was disturbing: to take pressure off of the FBI’s investigation into Russian interference in our democracy and connections between the Kremlin and the President’s campaign and administration. This came after the President first sought Director Comey’s loyalty, then pressured him to terminate the ongoing investigation into Michael Flynn, and then misled the Nation as to the reason for Director Comey’s firing.

Time and again, this White House has shown it does not respect boundaries between politics and law enforcement or understand that an official’s loyalty is to the Constitution, not the President. The President routinely attacks the Attorney General, Deputy Attorney General, special counsel, Acting FBI Director, former FBI Director, and countless others. Each attack seems more outrageous than the last. Attorney General Sessions was required by Justice Department regulations to recuse himself from the Russia investigation. It was not discretionary. The President launched a weeklong campaign to pressure Attorney General Sessions, stating he would have never hired the Attorney General had he known he would recuse himself. In other words, the President would not have hired our Nation’s top law enforcement official had he known he would actually follow the law.

Make no mistake, whether he asks for it or not, the President will demand loyalty from Mr. Wray. He has shown there are consequences for those who dare to maintain independence and follow the rules. Through Twitter attacks and firing top officials, the President is attempting to intimidate and improperly influence the behavior of our Nation’s top law enforcement officials.

This is not normal. We should not take it as such, nor should these officials be solely responsible for protecting the independence of our law enforcement institutions. All of us, Republican and Democrat, must stand up to a President who seems to only stand for himself and whose relentless attacks on the rule of law harm the entire Nation.

The next FBI Director will face many tests of integrity. He will be forced to make decisions, as Director Comey was, that will test his commitment to the rule of law. I believe Mr. Wray when he testified in response to my question that he would sooner resign than follow an unlawful or unethical order from the White House. While he served as the head of the Justice Department’s criminal division in 2004, the White House attempted to authorize a warrantless surveillance program over the Attorney General’s objections. Mr. Wray offered to resign in solidarity with then-FBI Director Robert Mueller and then-Deputy Attorney General James Comey. He takes his integrity and the integrity of our Nation’s law enforcement agencies seriously.

I expect Mr. Wray will tenaciously guard the independence of the FBI, and I will vote to confirm his nomination today.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I know that later this afternoon, we are going to vote on the nomination of Christopher Wray. I am proud to support him, as I was during the Judiciary Committee, voting for him, as did every other member of the Judiciary Committee. The reason is quite simply that he is a professional, as nonpolitically associated as anyone can be going into this position.

Like the FBI itself, he is known for his independence and integrity. There are two qualities needed today for the FBI and its Director, and those are independence and integrity. The FBI is
one of the most important law enforcement agencies and certainly one of the most important in the country.

The FBI Director doesn’t serve the President. He serves the Constitution and the people of the United States. He must be independent of political interference, and his or her integrity must be unquestioned. The FBI deserves a leader with the integrity and strength necessary for that solemn mission, and Mr. Wray has shown himself to be that kind of leader. Those qualities are especially important because never before have the rule of law and our law enforcement been so threatened by political interference, and it begins at the very top.

The reason Christopher Wray has been nominated to serve as FBI Director is that the vacancy was created by the firing of Jim Comey for reasons that have led to an aspect of the ongoing investigation by the special counsel.

The reason that position is vacant is because 3 months ago Jim Comey was fired by the President because of “the Russia thing.” The Russia thing was very much at the President’s mind, more so than any of the reasons given in the memos done by Attorney General Sessions and Deputy Attorney General Rod Rosenstein, according to the President himself.

“The Russia thing” is the FBI and special counsel investigation into whether the Trump campaign colluded with the Russian Government to influence our election.

There is no question that there was a campaign of interference and meddling through cyber attacks, disinformation, propaganda, and other means, and there is no question that the Russians will do it again unless they are made to pay a price. Others may well collude or conspire with them—Americans—unless they are compelled to pay a price.

We have only to look at the morning headlines to see how far-reaching and significant this investigation may be. The reason that the President himself wrote a statement to be issued in the name of his son about a meeting with the Russian who promised “dirt” on Hillary Clinton and directly misled the President’s son’s mouth by Donald Trump, and his son and wisdom, perhaps, to check some of the more rash and impulsive action that might otherwise be taken by the President.

The special counsel was given a clear mandate to follow the evidence wherever it may lead. I believe that Special Counsel Mueller has the guts and backbone, as well as the expertise, to uncover the truth, to follow that evidence, and to bring charges if they are appropriate and necessary, if he is assured the resources and independence to do the job.

That is why Christopher Wray’s nomination is so critically important. He must be independent in providing those resources and investigative agents necessary to do the legwork and the review of documents and other hard work—challenging work—that is necessary so that the special counsel takes the facts and the evidence. The FBI Director is also going to be important in assuring the independence of that special counsel. As an ally and a source of support, the FBI Director will be critical.

The most important priority, in fact, for Christopher Wray will be to protect the independence and integrity of that special counsel investigation just as he must protect the FBI’s, because they are intertwined and identified at the core. They involve the rule of law—the essence of our democracy—and the belief and trust that wrongdoing will be investigated and prosecuted no matter how powerful the target and no matter how wealthy or powerful the wrongdoer. That investigation has expanded to improper overseas dealings on the part of the President of the United States. Any attempt by the President to set limits on that investigation is inappropriate and potentially illegal and further evidence of criminal intent.

In short, the mandate for both Director Wray and Special Counsel Mueller must be unconditional. There must be no limits set by political interference. The nominee whom we vote to confirm today must sustain and secure that ongoing independent investigation from any interference no matter how powerful the source, including the President of the United States. No one can set limits, because no one is above the law, and the special counsel must have the freedom to decide where the investigation will lead because he will follow the facts where they lead.

The FBI Director has a broad and inclusive mandate. In addition to protecting the United States against corruption and wrongdoing involving misuse and abuse of power, he must also protect the United States against terrorism and foreign intelligence threats. He is charged with providing law enforcement services to State, Federal, and municipal agencies and partners, and he is responsible for protecting civil rights.

On Friday, July 28, 2017, President Trump gave a speech in Selden, NY, in which he encouraged law enforcement to use or misuse excessive force. More specifically, he directed law enforcement not to be “too nice,” and he described, graphically, how officers should potentially allow arrestees to be beaten on the head or otherwise mistreated. With his comments, President Trump did a disservice to countless law enforcement officers who work hard to keep our neighborhoods safe while maintaining good relationships with the communities they serve.

I will be joining with colleagues and working with the very distinguished senior Senator of California, who has joined us on the floor, in asking that our law enforcement leadership take an oath of fidelity to the Constitution and the laws, as defined by the President over that precipice politically, and not to take that kind of misconduct, and my hope is that, specifically, the Department of Justice will express its disapproval of such misconduct.

The FBI has a special obligation to condemn such violations of standards and laws, and I hope that the new Director, Mr. Wray, will join dozens of law enforcement leaders across the country in making clear that the President’s remarks have no place at the FBI. I believe that Christopher Wray has the experience and credibility and the expertise to lead the FBI in that effort, as well as in protecting the special counsel.

Based on his career and his testimony before the Judiciary Committee, I believe that he will bring that leadership to the FBI. I regret that he will be the FBI Director only because it is the result of an abusive and improper firing of James Comey. The special counsel’s investigation of that firing as a potential obstruction of justice is well underway and warranted, and I know that Mr. Wray will do everything possible to enable it to be fair and effective, comprehensive
Mr. Wray replied that he would first try to talk him out of it and that, if that failed, he would resign.

These commitments are important. Especially at this moment in history, we need an FBI Director who has the strength and fortitude to stand up and do what is right by the law when tested.

Mr. Wray has received bipartisan support from more than 100 former U.S. attorneys, who enthusiastically endorsed him. They stated their belief that Mr. Wray is “a strong and effective leader with unassailable integrity, judgment and courage.” According to this group, which included former Bush administration Justice Department officials like Larry Thompson and Ken Wainstein, as well as Eric Holder and Sally Yates, Mr. Wray will discharge the duties of FBI Director “with honor, independence, and a tireless commitment to the rule of law.”

Earlier this year, when we considered other nominees for the Justice Department, I pointed out that we need leaders with steel spines, not weak knees. I believe that Mr. Wray will be such a leader.

The issue of torture is very important to me. On this issue, I was encouraged by Mr. Wray’s acknowledgment that torture is wrong, unacceptable, illegal, and ineffective. He testified under oath that he did not participate in the drafting of the so-called torture memos that were issued by the Office of Legal Counsel some time ago. Mr. Wray has further testified that interrogation techniques, such as waterboarding, painful stress positions, threatening detainees with dogs, forced nudity, and mock execution, are “abusive under all circumstances.”

Importantly, for me, he has committed that the FBI, under his leadership, will never engage in such techniques or other forms of torture and interrogation techniques, such as waterboarding, painful stress positions, threatening detainees with dogs, forced nudity, and mock execution, are “abusive under all circumstances.”

For example, his testimony on the importance of the FBI and the American people need now. As you and I know, the FBI is a critically important law enforcement agency. It must be able to move forward with its work and with its senior leadership in place. As I noted at Mr. Wray’s hearing and just noted again, the FBI must be an independent law enforcement organization that is free from political influence.

During his hearing and in his written responses to my questions, Mr. Wray stated that the FBI Director must maintain “strict independence,” and he committed to doing the job “by the book” and “without regard to any partisan political influence.” He also testified that his loyalty is to the Constitution and the rule of law, not to any ideology or any individual, including the President. He was believable to all of us in those statements.

Mr. Wray also testified that he would resist any efforts to interfere with FBI investigations. He acknowledged that he would not “pull any punches.” When asked what he would do if the President asked him to do something unlawful or unethical, he stated that he would do what was right by the law when tested.

These commitments are important. Especially at this moment in history, we need an FBI Director who has the strength and fortitude to stand up and do what is right by the law when tested.
As all of us in this body know, when we take the oath of office, we affirm that we will support and defend the Constitution of the United States. We don’t pledge support to any member of the government or even to a political party. We pledge our loyalty to the Constitution and to the rule of law.

Many Members asked Mr. Wray very pointed questions about loyalty during his hearing. I was impressed with his plain answers, and I take him at his word when he says that his “loyalty is to the Constitution and the rule of law” and when he says that he will “never allow the FBI’s work to be driven by anything other than the facts, the law, and the impartial pursuit of justice. Period—full stop.”

Now, if he is confirmed, Mr. Wray will step into this role at a crucial moment, not only in the history of the FBI but in the history of this Nation. As we write, investigations are underway, including by this body, to clearly lay out Russia’s activities that attempted to influence the 2016 election. These are important and sensitive investigations, and they cannot be influenced by anything other than the facts, the law, and the impartial pursuit of justice. Period—full stop.

Mr. Wray’s record of service and his reputation give us no reason to doubt him. He was forthright when he was asked specific questions about the events leading up to his being offered the job and do it well, in a fair and impartial way with local law enforcement in the pursuit of justice. Period—full stop. Now, if he is confirmed, Mr. Wray will face the challenge of running a highly motivated FBI, staffed by the very best, and ensuring that the FBI operates effectively and efficiently. My colleagues know I haven’t been pleased with how the FBI has—or has not—responded to the Judiciary Committee’s inquiries and requests for information, and this doesn’t apply just to this Senator but all the Senators on the committee, and it doesn’t matter whether Republican or Democratic. They are entitled to ask questions, and they ought to ask them. That is the constitutional responsibility of oversight that all 535 Members of Congress have.

Not being satisfied with the FBI in the past, I asked Mr. Wray about the FBI’s responsiveness to Members of Congress and in turn other Members of this body, that he will prioritize responsiveness and transparency to this body. This will allow us to do our vitally important job of oversight over the Nation’s top law enforcement agency. I am glad Mr. Wray is ready to work in partnership with the Senate to help us perform our role very effectively.

I expect to see improved responsiveness from Mr. Wray to our letters and see enhanced protection for whistleblowers within the FBI who come forward—and they do that at great risk to themselves—to let this body know where abuses of power are going unnoticed. We all know that some people call whistleblowers, but they are patriotic people, to give them the protection they deserve. The culture for giving this protection starts at the top with the new FBI Director, Mr. Wray.

As I mentioned, Mr. Wray was voted out of our committee unanimously. The fact that all of my colleagues—Democratic and Republican—trusted Mr. Wray with their “yes” vote says what we need to know about Mr. Wray’s ability to perform the important role of FBI Director and to do it with integrity, with competence, with professionalism, and with the utmost respect for the Constitution and the rule of law. We can’t ask for Mr. Wray to do anything more than that.

I urge my colleagues to join me in voting to confirm Christopher Wray as the next Director of the FBI. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Georgia, Mr. ISAKSON, Mr. President, I have a privilege and honor right now. A lot of times, the Presiding Officer and I come to the well to make speeches that we have to, that we’re asked to, or that somebody wanted us to. Rarely do we have the opportunity to come to the well of the Senate and speak about an individual from our own State whom we know personally who is impeccable in their reputation, has served America in many ways, and has now been appointed to a job that is essential to the health, safety, and welfare of the American people. I speak of Christopher Wray of Georgia.

Christopher Wray is my friend. Christopher Wray is the senior partner at King & Spalding, the same one Griffin Bell, Larry Thompson, and Sam Nunn worked for—a great law firm with a tie to our government and our country.

At a time for an appointment to be made, one of the great ones, this is the time. We know there have been issues from time to time with the FBI. We all know we are looking for somebody who can do the job and do it well, in a fair and impartial way, without any question of impropriety. Christopher Wray is exactly that type of person.

He is the person who helped convict Zacarias Moussaoui and coordinated with local law enforcement in the prosecution of the Washington, DC, snipers who terrorized our city for so long. He is a dedicated and committed prosecutor.

He has been selected many times to be the right man at the right time. I urge every Member of the Senate to heartily vote in support of Christopher Wray to be Director of the FBI, to be Director of the Federal Bureau of Investigation for the United States of America.

Mr. SCHUMER. Mr. President, shorty we will take a vote on the nomination of Christopher Wray to be the next FBI Director. The job of FBI Director has always been a crucial one. The responsibility is great and so are the expectations, and the demands facing our next FBI Director are perhaps greater than any time in our history.

Now is the right time for the FBI, and for the Nation. The firing of Director Comey, the shifting explanations from the White House as to why Mr. Comey was fired, and the disdain this White House has shown for the rule of law mean that now, more than ever, the Senate has an obligation to critically evaluate any potential FBI Director.

Now more than ever, we need an FBI Director who is independent, impartial, fearless, and has the strength of will to occupy a job that has been put under enormous political strain by the White House.

No doubt, Christopher Wray has been put up for a tough job. In considering his nomination, it was important to me to take the measure of the man and determine whether he was up to the challenge. I met with him privately for an hour, and I closely studied his record and his performance in his hearings.

Based on his career in public service and the commitments he made to me and to the Judiciary Committee in his confirmation hearing, I believe that Christopher Wray deserves the approval of the Senate.
The nomination was confirmed.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Wray nomination? Mr. WICKER, 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 assistant bill clerk proceeded to call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senate from Minnesota (Mr. FRANKEN) is necessarily absent.

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 182 Ex.]

YEAS—66

Alexander
Barrasasso
Boozman
Capito
Casey
Collins
Corker
Cotton
Crafo
Cruz
Daines
Donnelly
Enzi
Feinstein
Fischer
Flake
[Not Voting—3]

Burr
Franken
McCain

Shahen
Sully
Stabenow
Stall
Steller
Sullivan
Testar
Thune
Tillis
Toomey
Van Hollen
Vander
Whitehouse
Young

NAYS—31

Baldwin
Bennett
Brown
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
[Not Voting—3]

Gillibrand
Warren
Wyden

Reed
Sanders
Schatz
Schumer
Shaheen
Sasse
Sullivan
Tester
Thune
Tillis
Toomey
Van Hollen
Warren
Whitehouse
Wyden

The nomination was confirmed.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. President, I ask unanimous consent that with respect to the Wray and Newsmom nominations, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

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

LEGISLATIVE SESSION

ORDER OF BUSINESS

Mr. WHITEHOUSE. Mr. President, I think we are waiting for Senator GRASSLEY to come, and then we will be ready to proceed.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the indulgence of my colleagues from Iowa and Rhode Island. (The remarks of Mr. PORTMAN pertaining to the introduction of S. 1693 are printed in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”) Mr. PORTMAN. I thank my colleague from Iowa.

I yield back my time. The PRESIDING OFFICER. The Senator from Iowa.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION REAUTHORIZATION ACT OF 2017

Mr. GRASSLEY. Mr. President, I rise to speak about the Juvenile Justice and Delinquency Prevention Reauthorization Act.

I will make some short comments, and then I would like to defer to Senator WHITEHOUSE, and then I would propose a unanimous consent request.

I think we will soon be able to pass the Juvenile Justice and Delinquency Prevention Reauthorization Act. I reintroduced this measure this year with Senator WHITEHOUSE.

The bill before us is almost the same as the one the Judiciary Committee cleared by voice vote in the 114th Congress, and it is very similar to the one we hotlined last year. We hotlined it in April, and all the Members of this Chamber had several months to review it. We had one objection, and we cleared it earlier this week.
The bill would extend a Federal law known as the Juvenile Justice Delinquency Prevention Act for 5 more years. The centerpiece of this 1974 legislation, which Congress last extended 15 years ago, is its core protection of youth. The core protection is a call for juveniles to be kept out of adult facilities, except in very rare instances. They ensure that juveniles will be kept separated from adult inmates whenever they are housed in adult facilities. They call for reducing disparities in contact in State juvenile justice systems.

States adhering to these requirements receive yearly formula grants to support their juvenile justice systems. This bill would promote greater accountability in government spending.

The Judiciary Committee, which I chair, heard from multiple whistle-blowers that reforms are urgently needed to restore the integrity of the formula grant programs that are the centerpiece of our current juvenile justice law. The Justice Department’s Office of Juvenile Justice and Delinquency Prevention administers this formula grant program. This program would be continued for 5 more years under the bill, but the Justice Department would have to do more oversight if this bill is enacted.

This bill also calls for evidence-based programs to be accorded priority in funding. The goal is to ensure that scarce resources for juvenile justice will be devoted mostly to the programs that research shows have the greatest merit and will yield the best results for these young people.

Finally, I want to take this opportunity to thank our many cosponsors. This bill is truly a bipartisan effort, and many Senators contributed provisions to strengthen this bill since we introduced it last April. The bill reflects the latest scientific research on what works best with at-risk adolescents.

At this point, I would ask that the Presiding Officer turn the floor over to Senator WHITEHOUSE. I want to thank Senator WHITEHOUSE for being so persistent in this effort, as well. I thank him for his leadership.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Thank you, Mr. President, and thank you, Mr. Chairman.

Chairman GRASSLEY has been a wonderful colleague in this effort. It is the culmination of years of work, including multiple committee hearings, briefings at home in Rhode Island and elsewhere, and really working the regular order of the Senate to get this done. Chairman Grassley has been both patient and persistent, and I really appreciate his leadership.

I also thank our ranking member on the Judiciary Committee, Senator FEINGOLD, for her work. I thank Senator RAND PAUL. He would have liked to have seen a stronger bill, but it simply—as would we have, by the way. He held on for a while, hoping we could strengthen it, but it turned out there was objection to that—and he was gracious about yielding—and now we are able to move forward bipartisanly and unanimously.

The history of the Juvenile Justice and Delinquency Prevention Act is a noble history. It is because of this law that children aren’t locked up in adult prisons any longer. It is because of this law that children don’t get placed in solitary confinement for extended periods if they are convicted of things like running away from home or not coming to school, but it had been a while since this bill was updated.

The last time it was reauthorized was 13 years ago, and we have learned a lot about adolescent development and the best practices for dealing with children in those 13 years. So we are moving forward today.

I look forward to working with my chairman on the broad-based criminal justice reform that he is championing in the committee, but there is no reason we shouldn’t go forward with getting juvenile justice right while we move on to other areas of justice reform.

I particularly want to thank him and recognize the groups involved for the patient work that was done over many years with all sorts of interested groups. We had to make this right. We wanted to minimize conflict. We wanted to maximize what we were able to accomplish, and the result is, we have over 150 organizations that have endorsed this legislation, from the ACLU to the national association that supports probation and parole officers, from Boys Town to the National Association of Counties and the National Center for Victims of Crime.

The bill focuses the way it should, on evidence-based and trauma-informed programs that have emerged in the last 13 years. It focuses on protecting juveniles who are held in adult facilities, making sure they are fully separated in sight and sound from adult inmates. It limits the narrow circumstances under which they may be confined in isolation, and it requires data-driven approaches to reduce ethnic and racial disparities.

We recognize that kids now are much more vulnerable to substance abuse issues and that they, too, face mental health challenges. We try to bring this bill together so States have to provide appropriate treatment and recognition when the cause of what is going on in that child’s life is substance abuse or a mental health challenge.

We make it a good deal harder to incarcerate for the status offenses. A status offense is an offense that wouldn’t even be an offense if an adult did it. It is only because you are a child that it is even an offense. It is being—skipping school or running away from home and so forth. There are better ways to deal with those children than incarcerating them, and we steer in this direction, promoting the community-based alternatives to the tension.

For instance, we have community courts in Rhode Island that work really well, where the family is engaged, the child is engaged, and the community is engaged. They turn around a child from their family in order to try to improve their situation is usually something that backfires. You need to have the family engaged.

Consistent with Senator PORTMAN’s remarks, we also recognize that very often some of the times that children get in trouble is because they have been traumatized. They have been either the victim of violence themselves or witnessed violence in ways that have created trauma, and in many cases, are sadly the victims of child sex trafficking.

So we focus on States identifying and responding to those particular children to make sure, if the child was behind what is going on, that those needs are met—simple things. We banned the use of shackles on girls once they are pregnant. It shouldn’t be asking too much, and it is about time we stopped shackling girls, particularly pregnant girls.

Last, something near and dear to my chairman’s heart, it improves the accountability and the oversight of the Federal grants program. I know that has been a goal he has pursued for a long time. The chairman is one of the most determined Members of the Senate when it comes to transparency and accountability, and so I am very pleased to be his partner in that particular piece of the bill.

With that, I yield the floor back to Chairman GRASSLEY so he may take us through the formal steps of passing this law. It is a very happy moment for me, and I extend my appreciation to Chairman GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again, thanks to Senator WHITEHOUSE for his cooperation and working so hard over the course of the last two Congresses to get this done.

I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 860 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The bill clerk read as follows:

(S. 280) -- Mr. Grassley. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Grassley amendment at the desk be considered and agreed to and the bill, as amended, be considered read a third time.
The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 741) was agreed to, as follows:

(Purpose: To improve the bill)

Beginning on page 40, strike line 23 and all that follows through page 41, line 23.

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

Mr. GRASSLEY. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there any further debate on the bill?

Heads of State, the bill having been read the third time, the question is, Shall it pass?

The bill (S. 860), as amended, was passed, as follows:

S. 860  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 “Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

Sec. 101. Purposes.
Sec. 102. Definitions.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Sec. 201. Concentration of Federal efforts.
Sec. 203. Annual report.
Sec. 204. Allocation of funds.
Sec. 205. State plans.
Sec. 206. Eligibility of States.
Sec. 207. Grants to Indian tribes.
Sec. 210. Research and evaluation; statistical analyses; information dissemination.
Sec. 211. Technical assistance.
Sec. 212. Administrative authority.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Definitions.
Sec. 302. Grants for delinquency prevention programs.
Sec. 303. Technical and conforming amendment.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Evaluation by Government Accountability Office.
Sec. 402. Authorization of appropriations.
Sec. 403. Accountability and oversight.

TITLE V—JUVENILE ACCOUNTABILITY BLOCK GRANTS

Sec. 501. Grant eligibility.

TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS

SEC. 101. PURPOSES.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (1), by inserting “tribal,” after “State”;

(2) in paragraph (2)—

(A) by inserting “tribal,” after “State”; and

(3) by amending paragraph (3) to read as follows:

“(3) to assist State, tribal, and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of current and relevant information on effective and evidence-based programs and practices for combating juvenile delinquency; and”; and

(4) by adding at the end the following:

“(4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health and substance abuse treatment, family supportive services, chemical dependency services, and other services necessary to respond to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth and youth who come into contact with the justice system.”;

SEC. 102. DEFINITIONS.

(1) in paragraph (1), by inserting “tribal,” after “State”;

(2) in subparagraph (B) of paragraph (2), by striking “or” and inserting “and”; and

(3) by adding at the end the following:

“(C) means any physical, clear visual, or verbal contact that is not brief and inadvertent;”;

(5) by amending paragraph (25) to read as follows:

“(25) the term ‘sight or sound contact’ means any physical, clear visual, or verbal contact that is not brief and inadvertent;”;

(6) in paragraph (28), by striking “and” at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding the following after the end of such paragraph:

“(9) the term ‘core requirements’—

(A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 228(a); and

(B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 2071; and

(10) the term ‘local agent’ means a spray or injection used to temporarily incapacitate a person, including oleoresin capsi um spray, tear gas, and 2-chlorobenzalmalononitrile gas;”;

(32) the term ‘isolation’—

(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

(B) does not include—

“(i) confinement during regularly scheduled sleeping hours;

“(ii) separation based on a treatment program approved by a licensed medical or mental health professional;

“(iii) confinement or separation that is requested by the youth; or

“(iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;

“(33) the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290b);”;

(34) the term ‘evidence-based’ means a program or practice that—

(A) is demonstrated to be effective when implemented with fidelity;

(B) is based on a clearly articulated and empirically supported theory;

(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and

(D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;

(35) the term ‘promising’ means a program or practice that—

(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from one or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and

(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);”;

(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;”;

(37) the term ‘screening’ means a brief process—

(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and

(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;”;

(38) the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—

(A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and

(B) which is designed to identify significant mental health, behavioral health, or substance abuse treatment needs to be addressed during a youth’s confinement;”;

(39) for purposes of section 228(a)(15), the term ‘contact’ means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;”;

(40) the term ‘trauma-informed’ means—

(A) understanding the impact that exposure to violence and trauma have on a youth’s physical, psychological, and psycho-social development;”;

(41) recognizing when a youth has been exposed to violence and trauma and is in need

S. 860 Chapter 1
of help to recover from the adverse impacts of trauma; and

“(C) responding in ways that resist retraumatization;

“(D) the term ‘racial and ethnic disparity’ means minority youth populations are involved at a decision point in juvenile justice at higher rates, incrementally or cumulatively, than non-minority youth at that decision point;

“(E) the term ‘rural’ means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget;

“(F) the term ‘internal controls’ means a process implemented to provide reasonable assurance regarding the achievement of objectives;

“(A) effectiveness and efficiency of operations, such as grant management practices;

“(B) reliability of reporting for internal and external use;

“(C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office; and

“(D) the term ‘rural’ means the governing body of an Indian tribe.”.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)—

(A) in subparagraph (1), by inserting “a long-term plan, and implement” and inserting the following: “a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement;” and

(B) by striking “research, and improvement of the juvenile justice system in the United States” and inserting “and research;”

(2) in subsection (b)—

(A) by striking paragraph (7);

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (4), the following:

“(5) not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, in consultation with Indian tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention to collaborate with representatives of Indian tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian tribes;”;

(D) in paragraph (6), as so redesignated, by adding “and” at the end of; and

(E) in paragraph (7), as so redesignated—

(i) by striking “monitoring”;

(ii) by striking “section 221(a)(15)” and inserting “section 221(a)(16);”

(iii) by striking “to review the adequacy of such systems; and” and inserting “for monitoring compliance.”.

SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is amended—

(1) in subsection (a)

(A) in paragraph (1)—

(i) by inserting “the Administrator of the Substance Abuse and Mental Health Services Administration, the Secretary of the Interior,” after “the Secretary of Health and Human Services,”; and

(ii) by striking “Commissioner of Immigration and Naturalization” and inserting “Assistant Secretary of Immigration and Customs Enforcement”; and

(B) in paragraph (2), by striking “United States” and inserting “Federal Government”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “paragraphs (12)(A), (13), and (14) of section 226(a) of this title” and inserting “the core requirements”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “on an annual basis” after “collectively;” and

(ii) by striking subparagraph (B) and inserting the following:

“(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate a report that—

“(1) contains the recommendations described in subparagraph (A);

“(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Council to conduct operations in accordance with this section;

“(iii) is published on the websites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and

“(iv) is in addition to the annual report required under section 207.”

SEC. 203. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in the matter preceding paragraph (1), by striking “a fiscal year” and inserting “each fiscal year;”

(2) in paragraph (1)—

(A) in subparagraph (B), by striking “and gender” and inserting “, gender, and ethnicity, as such term is defined by the Bureau of the Census;”;

(B) in subparagraph (E), by striking “and” at the end;

(C) in subparagraph (F)—

(i) by inserting “and other” before “disabilities,”; and

(ii) by striking the period at the end and inserting “semicolons;”;

(D) by adding at the end the following:

“(G) a summary of the applicable fiscal year of the use of restraints and isolation upon juveniles held in the custody of secure detention and correctional facilities operated by a State or unit of local government;

“(H) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;

“(I) the number of juveniles released from custody and the type of living arrangement to which they are released;

“(J) the number of juveniles whose offense originated on school grounds, during school-sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and

“(K) the number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local government who report being pregnant;”;

and

(3) by adding at the end the following:

“(B) by adding paragraphs (2) and (3) and inserting the following:

“(2(A) If the aggregate amount appropriated for a fiscal year to carry out this title is less than $75,000,000, then—

“(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than $500,000;

and

“(ii) the amount allocated to the United States Virgin Islands, Guam, American
Samoa, and the Commonwealth of the North-
mariana Islands for that fiscal year shall be
not less than $75,000.
"(B) if the aggregate amount appropriated
for a fiscal year exceeds the applicable
amount for that fiscal year, the title is not
less than $75,000.
"(i) the amount allocated to each State
other than a State described in clause (ii) for
that fiscal year shall be not less than
$600,000; and
"(ii) the amount allocated to the United
States Virgin Islands, Guam, American
Samoa, the Commonwealth of the North-
mariana Islands for that fiscal year shall be
not less than $100,000.
"(2) in subsection (c), by striking "effi-
cient administration and monitoring, evalu-
ation, and one full-time staff position" and
inserting "effective and efficient administra-
tion of funds, including the designation of
not less than 1 individual who shall coordi-
nate efforts to achieve and sustain compli-
ance with the core requirements and certify
whether the State is in compliance with such
requirements"; and
"(3) in subsection (d), by striking "5 per
cent of the minimum" and inserting "not
more than 5 percent of the".

SEC. 205. STATE PLANS.

Section 223 of the Juvenile Justice and De-
linquency Prevention Act of 1974 (42 U.S.C.
5633) is amended—
"(1) in subsection (a)—
"(II) eliminate the use of abdominal
restraints, leg and ankle restraints, wrist
restraints behind the back, and four-point
restraints on known pregnant juveniles, un-
less—
"(aa) credible, reasonable grounds exist
to believe the detainee presents an immediate
and serious threat of hurting herself, staff,
or others; or
"(bb) reasonable grounds exist to believe
the detainee presents an immediate and
credible risk of escape that cannot be reason-
ably minimized through any other method;";
"(E) in paragraph (8), by striking "exist-
ing" and inserting "evidence-based and prom-
ising".
"(F) in paragraph (9)—
"(i) in the matter preceding subparagraph
(A), by inserting ":, with priority in funding
given to entities meeting the criteria for evi-
dence-based or promising programs" after
"used for";
"(ii) in subparagraph (A)(i), by inserting
"status offenders and other" before "youth
who need";
"(iii) in subparagraph (B)—
"(I) by striking "parents and other family
members", and "status offenders, other
youth, and the parents and other fam-
ily members of such offenders and youth"; and
"(II) by striking "be retained" and inserting
"remain";
"(iv) in subparagraph (E)—
"(i) in the matter preceding clause (i), by
striking "delinquent or inserting "at-risk or
delinquent youth"; and
"(II) in clause (i), by inserting ", including
for truancy prevention and reduction" before
the semicolon;
"(v) by redesigning subparagraphs (G)
through (S) as subparagraphs (H) through
(T), respectively;
"(vi) in subparagraph (F), in the matter
preceeding clause (i), by striking "expanding"
and inserting "programs to expand";
"(vii) by inserting after subparagraph (F),
the following:
"(G) expanding access to publicly sup-
ported, court-appointed legal counsel and en-
hancing capacity for the competent rep-
resentation of every child, consistent with
other Federal law;";
"(viii) in subparagraph (H), as so redesign-
ned, inserting 
"State, tribal,", each place the
term appears and inserting "State, tribal,";
"(ix) in subparagraph (M), as so redesign-
ned—
"(I) in clause (i)—
"(aa) by inserting "pre-adjudication and
after "post-adjudication";
"(bb) by inserting "alternatives"; and
"(cc) by inserting "specialized or problem-
solving courts," after "includ-
ing";
"(II) in clause (ii)—
"(aa) by striking "by the provision by the
Administrator"; and
"(bb) striking "to States";
"(ii) by redesigning subparagraph (N), as redesign-
ned—
"(I) by inserting "and reduce the risk of re-
cidivism after "families"; and
"(II) by striking "so that juveniles may be
re-
(xiii) by inserting after subparagraph (T) the following:

“(U) programs and projects designed to in-
form juveniles of the opportunity and proc-
cess for filing juvenile records and to as-
sist juveniles in pursuing juvenile record
expungements for both adjudications and ar-
rests not followed by adjudications;

(V) to address the needs of girls in or at risk of entering the juvenile
justice system, including pregnant girls,
young mothers, survivors of commercial sex-
ual exploitation or domestic child sex traf-
ficking, girls with disabilities, and girls of
color, including girls who are members of an
Indian tribe; and

(W) monitoring for compliance with the core
requirements and providing training and tech-
nical assistance on the core require-
ments to secure facilities;”;

(G) by striking paragraph (11) and insert-
ing the following:

“(11)(A) in accordance with rules issued by
the Administrator, provide that a juven-
ile shall not be placed in a secure detention
facility or a secure correctional facility,
if

“(I) the juvenile is charged with or has
committed an offense that would not be
criminal if committed by an adult, exclud-
ing

“(I) a juvenile who is charged with or
has
committed a violation of any juvenile
law, rule, or regulation,

“(II) a juvenile who is charged with or
has committed a violation of a valid court
order issued and reviewed in accordance with para-
graph (23); and

“(III) a juvenile who is held in accordance
with the Interstate Compact on Juveniles as
enacted by the State; or

(ii) the juvenile—

“(I) is not charged with any offense; and

“(bb) is alleged to be dependent, neglected,
abused; and

“(B) require that—

“(I) not later than 3 years after the date of
enactment of the Juvenile Justice and Delin-
quency Prevention Reauthorization Act of
2017, unless a court finds, after a hearing and
in writing, that it is in the interest of jus-
tice, by the court, whichever is shorter; and

(II) in clause (i), by striking “and” at the
end;

(III) by adding at the end the following:

“(I) the court shall hold a hearing not less
frequently than once every 30 days, or in the
case of a rural jurisdiction, not less fre-
quently than once every 45 days, to review
whether it is still in the interest of justice to
permit the juvenile to be so held or have
such sight or sound contact; and

(II) the juvenile shall not be held in any
jail or lockup for adults, or permitted to
have sight or sound contact with adult in-
mates, for more than 180 days, unless the
court, in writing, determines there is good
cause for an extension or the juvenile ex-
pressly waives this limitation;”;

(H) in paragraph (12)(A), by striking “con-
tact” and inserting “sight or sound con-
tact”;

(I) in paragraph (13), by striking “contact:
each place it appears and inserting “sight or
sound contact”;

(J) by striking paragraphs (22) and (27);

(K) by redesignating paragraph (28) as
paragraph (27);

(L) by redesignating paragraphs (15)
through (21) as paragraphs (16) through (22),
respectively;

(M) by inserting after paragraph (14) the
following:

“(15) implement policy, practice, and sys-
tem improvement strategies at the State,
territorial, local, and tribal levels, as appli-
cable, to reduce racial and, to the maximum
degree possible, ethnic disparities among
juveniles and adult inmates who come into
contact with the juvenile justice system,
without establishing or requiring numerical
parameters or quotas, by—

“(A) establishing or designating existing
coordinating bodies, composed of juvenile
justice stakeholders, (including representa-
tives of the educational system) at the State,
territorial, local, and tribal levels, to advise
adequately the State, units of local government, and
tribal branches to reduce racial and ethnic dis-
parities;

“(B) identifying and analyzing key deci-
dion points in State, local, or tribal juvenile
justice systems to determine which points
create racial and ethnic disparities among
juveniles who come into contact with the juve-
nile justice system; and

“(C) developing and implementing a work
plan that includes measurable objectives for
policy, practice, or other system changes, based
on the needs identified in the data col-
lection and analysis under subparagraph
(B)”;

(N) in paragraph (15), as so redesignated—

(i) by striking “adequate system” and in-
serting “effective system”;

(ii) by inserting “lock-ups,” after “moni-
toring jails;”;

(iii) by inserting “and” after detention fac-
tilites;”;

(iv) by striking “, and non-secure fac-
tilites”;

(v) by striking “insure” and inserting “en-
sure”;

(vi) by striking “requirements of para-
graph (11),” and all that follows through
inserting “core requirements are met, and for
annual reporting to the Administrator;” and

(vii) by striking “in the opinion of the
Administrator;”;

(O) in paragraph (16), as so redesignated, by
inserting “ethnicity,” after “race;”;

(P) in paragraph (21), as so redesignated, by
inserting “juveniles” after “juvenile;”;

(Q) in paragraph (23)—

(i) in subparagraphs (A), (B), and (C), by
striking “juvenile” each place it appears and
inserting “status offender;”

(ii) in subparagraph (B), by striking “and” at
the end;

(iii) in subparagraph (C)—

(I) in clause (i), by striking “and” at the end;

(II) in clause (i), by adding “and” at the end;

(III) by adding at the end the following:

“(iii) if such court determines the status
offender should be placed in a secure deter-
rence facility or correctional facility for viol-
ating such order—

“(I) the court shall issue a written order
that

“(aa) identifies the valid court order that
has been violated;

“(bb) specifies the factual basis for deter-
mining that there is reasonable cause to be-
lieve that the status offender has violated
such order;

“(cc) includes findings of fact to support
that there is no appropriate less restrictive alternative available plac-
ing the status offender in such a facility, with due consideration to the best interest
of the juvenile;

“(dd) specifies the length of time, not to
exceed 7 days, that the status offender may
remain in a secure detention facility or cor-
rectional facility, and includes a plan for the
status offender’s release from such facility;
and

“(ee) may not be renewed or extended; and

“(II) the court may not issue a second or
subsequent order describing case (I) relat-
ing to a status offender, unless the sta-
tus offender violates a valid court order after
the date on which the court issues an order
described in subclause (I) and

(iv) by adding at the end the following:

“(D) programs that address the needs of
young mothers, survivors of commercial sex-
fucking, girls with disabilities, and girls of
color, including girls who are members of an
Indian tribe; and

(E) monitoring for compliance with the core
requirements and providing training and tech-
nical assistance on the core require-
ments to secure facilities;”;

(F) by inserting “in accordance with

confidentiality concerns,” after “maximum
extent practicable,”; and

(G) by striking paragraphs (22) and (27), as so redesignated, by
inserting “and” after detention fac-
tilites;”;

(H) by striking “, and non-secure fac-
tilites”;

(I) by striking “insure” and inserting “en-
sure”;

(J) by striking “requirements of para-
graph (11),” and all that follows through
inserting “core requirements are met, and for
annual reporting to the Administrator;” and

(K) by inserting “in the opinion of the
Administrator;”;

(L) in clause (i), by striking “and” at the end;

(M) by inserting after paragraph (14) the
following:

“(14) implement policy, practice, and sys-
tem improvement strategies at the State,
territorial, local, and tribal levels, as appli-
cable, to identify and reduce racial and, to
the maximum degree possible, ethnic dispari-
ities among juveniles, and adults who come into
contact with the juvenile justice system,
without establishing or requiring numerical
parameters or quotas, by—

“(A) establishing or designating existing
coordinating bodies, composed of juvenile
justice stakeholders, (including representa-
tives of the educational system) at the State,
territorial, local, and tribal levels, to advise
adequately the State, units of local government, and
tribal branches to reduce racial and ethnic dis-
parities;

“(B) identifying and analyzing key deci-
dion points in State, local, or tribal juvenile
justice systems to determine which points
create racial and ethnic disparities among
juveniles who come into contact with the juve-
nile justice system; and

“(C) developing and implementing a work
plan that includes measurable objectives for
policy, practice, or other system changes, based
on the needs identified in the data col-
lection and analysis under subparagraph
(B)”;

(N) in paragraph (15), as so redesignated—

(i) by striking “adequate system” and in-
serting “effective system”;

(ii) by inserting “lock-ups,” after “moni-
toring jails;”;

(iii) by inserting “and” after detention fac-
tilites;”;

(iv) by striking “, and non-secure fac-
tilites”;

(v) by striking “insure” and inserting “en-
sure”;

(vi) by striking “requirements of para-
graph (11),” and all that follows through
inserting “core requirements are met, and for
annual reporting to the Administrator;” and

(vii) by striking “in the opinion of the
Administrator;”;

(O) in paragraph (16), as so redesignated, by
inserting “ethnicity,” after “race;”;

(P) in paragraph (21), as so redesignated, by
inserting “juveniles” after “juvenile;”;

(Q) in paragraph (23)—

(i) in subparagraphs (A), (B), and (C), by
striking “juvenile” each place it appears and
inserting “status offender;”

(ii) in subparagraph (B), by striking “and” at
the end;

(iii) in subparagraph (C)—

(I) in clause (i), by striking “and” at the end;
health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

(3) describe how reentry planning by the State shall—

(A) a written case plan based on an assessment of needs that includes—

(i) the pre-release and post-release plans for the juveniles based on an individualized assessment; and

(ii) the living arrangement to which the juveniles are to be discharged; and

(iii) any other plans developed for the juveniles based on an individualized assessment; and

(B) review processes;

(32) provide that the agency of the State receiving funds under this Act collaborate with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

(B) the credits of adjudicated juveniles are transferred; and

(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

(33) describe policies and procedures to—

(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable; and

(2) in subsection (d)—

(A) by striking “described in paragraphs (11), (12), (13), and (21) of subsection (a)” and inserting “described in the core requirements”;

(B) by striking “the requirements under paragraphs (11), (12), (13), and (21) of subsection (a)” and inserting “the core requirements”;

(3) in subsection (f)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(4) by adding at the end the following:

“(g) COMPLIANCE DETERMINATION.—

(1) IN GENERAL.—For each fiscal year, the Administrator shall make a determination regarding whether each State receiving a grant under this Act is in compliance or out of compliance with respect to each of the core requirements.

(2) REPORTING.—The Administrator shall—

(A) issue an annual public report—

(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

(B) by redesigning paragraphs described in subparagraph (A) available on a publicly available website.

“(3) DETERMINATIONS REQUIRED.—The Administrator may not—

(A) determine that a State is ‘not out of compliance’, or issue any other determination not described in paragraph (1), with respect to any core requirement; or

(B) otherwise fail to make the compliance determinations required under paragraph (1).”.

SEC. 206. REALLOCATION OF GRANT FUNDS.

Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661 et seq.) is amended—

(1) in the matter preceding subparagraph (A), by striking “may” and inserting “shall”;

(2) in subparagraph (A), by striking “and” and inserting “a plan to identify” and “’plan to identify’”; and

(3) in subparagraph (B), by striking clause (iii) and inserting the following:

“(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the juvenile justice and criminal justice systems”; and

(4) by striking clause (vii) and inserting the following:

“(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement when held in the custody of the juvenile justice system or criminal justice system; including an examination of the effects of confinement;”;

(5) in paragraph (10), by striking the semicolon at the end; and

(6) in subparagraph (G), by striking the semicolon at the end; and

(7) in paragraph (11), by inserting “the” and “the” after “State”;

(8) in the matter preceding subparagraph (A), by inserting a comma and “and” after “State”;

(9) in the matter preceding subparagraph (B), by inserting “the” after “State”;

(10) in the matter preceding subparagraph (C), by inserting “the” after “State”;

(11) in the matter preceding subparagraph (D), by inserting “the” after “State”;

(12) in the matter preceding subparagraph (E), by inserting “the” after “State”.

SEC. 207. AUTHORITY TO MAKE GRANTS.

Section 213(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655(a)) is amended—

(1) in paragraph (1), by inserting “subject to” before “the”;

(2) in paragraph (2), by striking “the” and inserting “’plan to identify’”; and

(3) in subparagraph (A), by striking “school” and inserting “a written case plan”.
“(I) an assessment of living arrangements for juveniles who, upon release from confinement in a State correctional facility, cannot return to the residence they occupied prior to such confinement; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking ‘‘may’’ and inserting ‘‘shall’’; and

(b) in subsection (b) at the end:

(1) NATIONAL RECIDIVISM MEASURE.—The Administrator, in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—

(1) establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;

(2) establish a common national juvenile recidivism measurement system; and

(3) provide the juvenile recidivism data that is collected from States available to the public.

(g) GAO REVIEW.—Not later than 1 year after the date of enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2017, the Comptroller General of the United States shall conduct a review of available research conducted by the Attorney General, the Secretary of the Interior, and other Federal entities relating to Indian youth who may come into contact with the juvenile justice system, which shall include—

(1) an examination of the extent of Indian youth who may come into contact with the juvenile justice system, including the number of Indian youth in Federal, State, or tribal custody or detention for offenses committed while under the age of 18;

(2) a description of the unique barriers faced by Indian tribes in providing adequate services to rehabilitate youth who have been adjudicated as delinquent and as defendants; and

(3) recommendations to improve effectiveness of prevention and treatment services for Indian youth who may come into contact with the juvenile justice system.

SEC. 211. TRAINING AND TECHNICAL ASSISTANCE.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5662) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ‘‘may’’;

(B) in paragraph (1)—

(i) by inserting ‘‘shall’’ before ‘‘develop and carry out projects’’; and

(ii) by striking ‘‘and’’ after the semicolon;

(C) in paragraph (2)—

(i) by inserting ‘‘may’’ before ‘‘make grants and contracts with’’; and

(ii) by striking the period and inserting ‘‘;’’ and ‘‘;’’;

and

(D) by adding at the end the following:

‘‘(D) provide periodic training for States regarding implementation of the core requirements, current protocols and best practices for achieving and monitoring compliance sharing, and for training relevant Office resources on evidence-based and promising programs or practices that promote the purposes of this Act.’’;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ‘‘may’’;

(B) in paragraph (1)—

(i) in the matter preceding paragraph (1), by striking ‘‘and’’ before ‘‘develop and implement projects’’; and

(ii) by inserting ‘‘, including compliance with the core requirements’’ after ‘‘this title’’;

(3) by striking ‘‘and’’ at the end;

(C) in paragraph (2)—

(i) by inserting ‘‘may’’ before ‘‘make grants and contracts with’’; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

‘‘(3) provide technical assistance to States in establishing partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, the judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.’’;

(3) in subsection (c) —

(A) by inserting ‘‘prosecutors’’ after ‘‘public defenders’’; and

(B) by inserting ‘‘status offenders and’’ after ‘‘needs of children’’.

(4) by adding at the end the following:

‘‘(d) TECHNICAL ASSISTANCE TO STATES REGARDING AND DELINQUENCY OF CHIL-

—In consultation with experts in the field of juvenile defense, the Administrator shall—

(1) develop and issue standards of practice for attorneys representing children; and

(2) ensure that the standards issued under paragraph (1) are adapted for use in States.

(e) TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government to—

(1) promote methods for improving conditions of juvenile confinement, including methods that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation; and

(2) encourage evidence-based behavior management techniques based on positive youth development approaches.

(f) TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition and management of youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

(1) juvenile justice intake personnel;

(2) probation officers;

(3) juvenile court judges and court personnel;

(4) prosecutors and court-appointed counsel; and

(5) family members of juveniles and family advocates.

(g) GRANTS FOR JUVENILE COURT JUDGES AND PERSONNEL.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs, shall make grants to improve training, education, technical assistance, and demonstration projects intended to enhance the capacity of State and local courts, judges, and related judicial personnel to—

‘‘(1) improve the lives of children currently involved in or at risk of being involved in the juvenile court system; and

(2) carry out the requirements of this Act.

(h) TECHNICAL ASSISTANCE TO STATES RELATING TO EXISTING OPPORTUNITIES FOR SCHOOL FOOD AUTHORITIES IN THE STATES TO APPLY FOR REIMBURSEMENT FOR FREE OR REDUCED PRICE LUNCHES FOR INCARCERATED JUVENILES.—The Attorney General, in consultation with the Secretary of Agriculture, shall provide guidance to States relating to existing opportunities for school food authorities in the States to apply for reimbursement for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) for juveniles who are incarcerated and would, if not incarcerated, be eligible for free or reduced price lunches under that Act.”’;

SEC. 203. TECHNICAL AND CONFORMING AMENDMENTS.

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking...
title V, as added by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415; 88 Stat. 1133) (relating to mis-
cellaneous and conforming amendments).

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as “the agency”), its functions, its programs, and its grants;

(2) conduct a comprehensive audit and evaluation of a selected, sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the agency including a review of internal controls (as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), as amended by this Act) to prevent fraud, waste, and abuse of funds by grantees; and

(3) submit a report in accordance with subsection (d).

(b) CONSIDERATIONS FOR EVALUATION.—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), excluding the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) and the Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.), the Comptroller General shall take into consideration—

(1) the outcome and results of the programs carried out by the agency and those programs administered through grants by the agency;

(2) the extent to which the agency has complied with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285);

(3) the extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies;

(4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies and the potential for consolidating those programs;

(5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;

(6) the number and types of beneficiaries or persons served by programs carried out by the agency;

(7) the manner in which the agency seeks public input and input from State and local governments to improve the performance of the functions of the agency;

(8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(9) whether greater oversight is needed of programs developed with grants made by the agency;

(10) the extent to which changes are nec-
ecessary in the authorizing statutes of the agency in order for the functions of the agency to be performed in a more efficient and ef-
fec tive manner.

(c) CONSIDERATIONS FOR AUDITS.—In con-
ducting the audit and evaluation under subsection (a), the Comptroller General shall take into consideration—

(1) whether grantees timely file Financial Status Reports;

(2) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

(3) whether disbursements were accom-
pounded with adequate supporting documenta-
tion (including invoices and receipts);

(4) whether expenditures were authorized;

(5) whether subrecipients of grant funds were complying with program requirements;

(6) whether salaries and fringe benefits of personnel were adequately supported by doc-
umentation;

(7) whether contracts were bid in accord-
cordance with program guidelines; and

(8) whether grant funds were spent in ac-
cordance with program goals and guidelines.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) submit a report regarding the evalua-
tion conducted under subsection (a) and the audit under subsection (b), to the Speaker of the House of Representatives, the President pro tempore of the Senate; and

(B) make the report described in para-
graph (A) available to the public.

(2) CONTENT.—The report submitted in ac-
cordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall in-
clude the name and location of any selected grantee as well as any findings required by subsection (a)(2).

**SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"(1) $160,000,000 for fiscal year 2017;

(2) $162,400,000 for fiscal year 2018;

(3) $164,836,000 for fiscal year 2019;

(4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies and the potential for consolidating those programs;

(5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;

(6) the number and types of beneficiaries or persons served by programs carried out by the agency;

(7) the manner in which the agency seeks public input and input from State and local governments to improve the performance of the functions of the agency;

(8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(9) whether greater oversight is needed of programs developed with grants made by the agency;

(10) the extent to which changes are nec-
ecessary in the authorizing statutes of the agency in order for the functions of the agency to be performed in a more efficient and ef-
fec tive manner.

(c) CONSIDERATIONS FOR AUDITS.—In con-
ducting the audit and evaluation under subsection (a), the Comptroller General shall take into consideration—

(1) whether grantees timely file Financial Status Reports;

(2) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

(3) whether disbursements were accom-
pounded with adequate supporting documenta-
tion (including invoices and receipts);

(4) whether expenditures were authorized;

(5) whether subrecipients of grant funds were complying with program requirements;

(6) whether salaries and fringe benefits of personnel were adequately supported by doc-
umentation;

(7) whether contracts were bid in accord-
cordance with program guidelines; and

(8) whether grant funds were spent in ac-
cordance with program goals and guidelines.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) submit a report regarding the evalua-
tion conducted under subsection (a) and the audit under subsection (b), to the Speaker of the House of Representatives, the President pro tempore of the Senate; and

(B) make the report described in para-
graph (A) available to the public.

(2) CONTENT.—The report submitted in ac-
cordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall in-
clude the name and location of any selected grantee as well as any findings required by subsection (a)(2).

"(II) whether grantees timely file Financial Status Reports;

"(III) whether contracts were bid in accordance with program guidelines; and

"(IV) whether grant funds were spent in accordance with program goals and guidelines.

(e) ACCOUNTABILITY.—

(1) AGENCY PROGRAM REVIEW.—

(A) PROGRAMMATIC AND FINANCIAL ASSESS-
MENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Director of the Office of Audit, Assess-
ment, and Management of the Office of Ju-
tice Programs at the Department of Justice (referred to in this section as the ‘Director’) shall—

(1) conduct a comprehensive analysis and evaluation of the internal controls of the Juvenile Justice and Delinquency Prevention Program (referred to in this section as the ‘program’) to determine what remedial action the agency has taken to recover and manage funds that are ex-
pe nded in violation of grant programs, in-
cluding instances where—

(a) documentation was not provided for cost reports;

(b) unauthorized expenditures occurred; and

(c) subrecipients of grant funds were not compliance with program requirements;

(II) conduct a comprehensive audit and evaluation of a selected statistically signifi-
cant sample of States and Indian tribes (as determined by the Director) that have re-
ceived Federal funds under this Act, includ-
ing a review of internal controls to prevent fraud, waste, and abuse of funds by grantees;

(1) submit a report in accordance with clause (iv).

(i) CONSIDERATIONS FOR EVALUATIONS.—In con-
ducting the analysis and evaluation under clause (ii), the Director shall—

(B) make the report described in para-
graph (A) available to the public.

(2) CONTENT.—The report submitted in ac-
cordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall in-
clude the name and location of any selected grantee as well as any findings required by subsection (a)(2).

"(1) $160,000,000 for fiscal year 2017;

(2) $162,400,000 for fiscal year 2018;

(3) $164,836,000 for fiscal year 2019;

(4) $167,368,540 for fiscal year 2020; and

(5) $169,818,168 for fiscal year 2021.

"(2) MENTORING PROGRAMS.—Not more than 20 percent of the amount appropriated to carry out this Act is authorized to be appropriated under subsection (a) for a fiscal year may be used for mentoring pro-
grams.

(b) TECHNICAL AND CONFORMING AMEND-
MENTS.—The Juvenile Justice and Delinqu-
ency Prevention Act of 1974 is amended by adding at the end the following:

"(I) whether grantees timely file Financial Status Reports;

"(II) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

...
(III) whether grantees’ assertions of compliance with the core requirements were accompanied with adequate supporting documentation;

(IV) whether expenditures were authorized;

(V) whether subrecipients of grant funds were complying with program requirements; and

(VI) whether grant funds were spent in accordance with the program goals and guidelines.

(iv) REPORT.—The Director shall submit to Congress a report outlining the results of the analysis, evaluation, and audit conducted in paragraphs (i) and (ii) that includes supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate and shall make such report available to the public online, not later than 1 year after the date of enactment of this section.

(b) ANALYSIS OF INTERNAL CONTROLS.—

(i) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian tribes that receive grants under this Act are following the requirements of the grants awarded under this Act.

(ii) REPORT.—Not later than 180 days after the date of enactment of this section, the Administrator shall submit to Congress a report containing the results of the analysis and evaluation conducted under clause (i), including supporting materials.

(c) REPORT TO CONGRESS.—The Attorney General shall submit, to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on all conference expenditures approved under this paragraph.

(5) PROHIBITION ON LOBBYING ACTIVITY.—In general.—An entity that has been determined to be appropriated under this Act may not utilize any recipient of a grant made under this Act, or any portion of the grant made under this Act, for lobbying any representative of the Department of Justice regarding the award of grant funding; or

(B) PENALTY.—If the Attorney General determines that any recipient of a grant made under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

(6) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this section, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, an annual certification that—

(A) all audits issued by the Inspector General of the Department of Justice under paragraph (2) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

(B) all mandatory exclusions required under paragraph (2)(I) have been issued; and

(C) all reimbursements required under paragraph (2)(K)(i) have been made; and

(D) includes a list of any grant recipients excluded under paragraph (2)(I) during the preceding fiscal year.

(c) PREVENTING DUPLICATIVE GRANTS.—

(i) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

(ii) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

(A) a list of all grants awarded, including the total dollar amount of any duplicate grants awarded; and
“(B) the reason the Attorney General awarded the duplicative grant.

“(d) COMPLIANCE WITH AUDITING STANDARDS.—The Administrator shall comply with the Generally Accepted Government Auditing Standards, published by the General Accounting Office (commonly known as the ‘‘Yellow Book’’), in the conduct of fiscal, compliance, and programmatic audits of States.’’

(b) TECHNICAL AND CONFORMING AMENDMENT.


(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the first day of the first fiscal year beginning after the date of enactment of this Act.

(3) REMOVAL OF TITLE.—The amendment made by paragraph (1) of this subsection shall not affect the applicability to the entity, to the Attorney General with respect to the entity, of paragraph (2), of section 407 (42 U.S.C. 5776a), the amendment made by paragraph (1) of this subsection shall not affect the applicability to the entity, or to the Attorney General with respect to the entity, of paragraphs (2), (3), or (7) of such section 407, as in effect on the day before the effective date under paragraph (2) of this subsection.

TITLE V—JUVENILE ACCOUNTABILITY BLOCK GRANTS

SEC. 501. GRANT ELIGIBILITY.

Section 1802(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee–4(a)) is amended—

(1) in paragraph (1), by striking ‘‘and’’ at the end;

(2) in paragraph (2), by striking the period at the end of such paragraph and inserting ‘‘; and’’; and

(3) by adding at the end following: ‘‘(3) assurances that the State agrees to comply with the core requirements, as defined in section 401 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603), applicable to the detention and confinement of juveniles.’’.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the motion to suppress the recording of the Senate be considered made and laid upon the table.

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

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee?

Mr. ALEXANDER. Mr. President, I thank the Senator from Rhode Island for his courtesy in allowing me to go next.

HEALTHCARE

Mr. ALEXANDER. Mr. President, this afternoon, Senator MURRAY, the Senator from Washington State who is the ranking member of the Senate Committee on Health, Education, Labor, and Pensions, and I, the chairman of the committee, met with insurance companies at a joint bipartisan announcement that the Senate’s HELP Committee will hold hearings beginning the week of September 4 on the actions Congress should take to stabilize and strengthen the individual health insurance market so Americans will be able to buy insurance at affordable prices in the year 2018. We will hear from State insurance commissioners, from patients, from Governors, from healthcare experts, and insurance companies. Committee staff will begin work this week, working with all committee members to prepare for these hearings and discussions. That was the announcement Senator MURRAY and I made today.

Now, in my own words, the reason for these hearings is that unless Congress acts by September 27, when insurance companies must sign contracts with the Federal Government to sell insurance on the Federal exchange next year, millions of Americans with government subsidies in up to half of our States may find themselves with zero options for buying health insurance on the exchanges next year, 2018. Many others without government subsidies will find themselves unable to afford health insurance because of rising premiums, copays, and deductibles.

There are a number of issues with the American healthcare system, but if your house is on fire, you want to put the fire out, and this is this at this case, is the individual health insurance market. Both Republicans and Democrats agree on this.

Our committee, the HELP Committee, had one hearing on the subject in February and another in May. There will be intense discussions between now and the end of September in order to finish our work in time to have an effect on health insurance policies next year, sold in 2018.

I am consulting with Senator MURRAY to try to frame these hearings as bipartisan as possible and to involve as many committee members as possible. I will be consulting with Senator HATCH and Senator Wyden so the Finance Committee is aware of any matters we discuss that might be within its jurisdiction. A number of Senators, both Democratic and Republican, have approached Senator MURRAY and me and said they would like to be involved. We are going to find a way for them to be involved and update them on our progress.

In these discussions—the ones I am describing—we are dealing with a small segment of the total health insurance market. Only about 6 percent of insured Americans buy insurance in the individual market. Only about 4 percent of insured Americans buy their insurance on the Affordable Care Act exchanges. While these percentages are small, they represent large numbers of Americans and some of our most vulnerable Americans. We are talking about roughly 18 million Americans in the individual market. About 11 million of them buy their insurance on the Affordable Care Act exchanges. About 9 million of these 11 million have Affordable Care Act subsidies, and unless we act, many of them may not have policies available to buy in 2018 because insurance companies will pull out of the collapsing markets. It would be like having a bus ticket and no bus coming through town.

Just as important, unless we act, costs could rise, once again, even making healthcare unaffordable for the additional 9 million Americans in the individual market who receive no government support to help buy insurance, roughly 2 million of them who buy their health insurance on the exchanges but who don’t qualify for a subsidy, and roughly half of the States will likely have bare markets in 2018. These cost-sharing reduction subsidies reduce copays, reduce deductibles, and reduce other out-of-pocket costs to help low-income Americans buy their health insurance on the exchanges. Without payment of these cost-sharing reductions, Americans will be hurt. Up to half the States will likely have bare counties, with zero insurance providers offering insurance on the exchanges, and insurance premiums will increase by roughly 20 percent, according to the American Health Insurance Plans.

In my opinion, any solution that Congress passes for a 2018 stabilization package would need to be small, bipartisan, and balanced. It should include funding for the cost-sharing reduction subsidies, but it also should give the greater flexibility for States in approving health insurance policies which should reduce costs.

Now, it is reasonable to expect that if the President were to approve continuation of cost-sharing subsidies for August and September, committee members to prepare for these discussions, I have urged again that President Trump temporarily continue the cost-reduction payments through September so Congress can work on a short-term solution for stabilizing the individual markets in 2018. These cost-sharing reduction subsidies reduce copays, reduce deductibles, and reduce other out-of-pocket costs to help low-income Americans buy their health insurance on the exchanges. We are talking about those who make under 250 percent of the poverty level or roughly $30,000 for an individual or $60,000 for a family of four. Without payment of these cost-sharing reductions, Americans will be hurt. Up to half the States will likely have bare counties, with zero insurance providers offering insurance on the exchanges, and insurance premiums will increase by roughly 20 percent, according to the American Health Insurance Plans.

So if the President, over the next 2 months, and the Congress, over the next year, take steps to provide certainty that there will be cost-sharing support, that the States and insurance companies to lower the premiums they have projected they will charge in 2018. In fact, many insurance companies have priced their rates for 2018 at two different levels—one with cost-sharing subsidies and one without. It is important not only that the President improve temporary cost-sharing for August and September but that we, the Congress, in a bipartisan way, find a way to approve it for at least 1 year so we can keep the premiums down.

Now, this is only one step in what we want to do about health insurance and about the larger question of healthcare...
costs so we will proceed step by step. A subsequent step will be to try to find a way to create a long-term, more robust individual insurance market, but for the short-term, our proposal is that by mid-September, we will see if we can agree on a way to stabilize the individual insurance market to keep premiums down and make affordable insurance available to all Americans. I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am here to speak about something else, but let me take just a moment and thank my chairman for what he has done. I had the experience of serving on the HELP Committee with Chairman ALEXANDER and Ranking Member MURRAY when we did the Education bill last year.

Education is nearly as fraught a topic politically around here as health care, and what we saw was a thoughtful, regular-order process that was developed under Chairman ALEXANDER’s leadership was a very considerable piece of work with real effect.

Sometimes we agree on something on both sides of the aisle in this body because there is nothing to it. It is “National Peaches Week” or something, and everyone votes for that. But when it is something big and something consequential, that is where difficulties begin to emerge, and what the chairman was able to work in the committee was something big and something consequential on healthcare. To the end of my days in the Senate, I am going to remember that closing vote, when the clerk of the committee called the roll, and every single member of the HELP Committee voted in favor of the measure. It came out of the committee unanimously, and with that burst of energy, it came through the floor fine, and it passed the House without changes. It was just a remarkable piece of work. So I have seen what the HELP Committee can do under Chairman ALEXANDER and Ranking Member MURRAY, and I am filled with confidence that the process can be terrific there, and I am filled with good will toward a successful outcome.

I just think what the chairman has said is terrific, and I wanted to say a few words of appreciation.

Mr. President, I ask unanimous consent—[break]—Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Administrator Pruitt from a wide range of scientific organizations pointing out to him this very fact, that climate science is called climate science because it has been through scientific peer review.

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

JULY 31, 2017.

Hon. SCOTT PRUITT,
Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR ADMINISTRATOR PRUITT: As leaders of professional scientific societies with our collective membership of hundreds of thousands of scientists, we are writing in response to your recent letter to EPA administrator Scott Pruitt is reporting forth research results, getting challenged, and revising them based on evidence. Indeed, science is a multi-dimensional, competitive “red team/blue team” process whereby scientists and scientific teams are constantly challenging one another’s findings for robustness. The current scientific understanding of climate change is based on decades of such work, along with overarching, carefully evaluated assessments within the United States and internationally.

As a reflection of that work, 31 scientific societies last year released a letter, updated from 2009, to reflect the current scientific consensus on climate change. We urge you to give its text consideration, along with America’s Climate Choices, the work of our premier United States scientific body, the National Academy of Sciences.

Of course, climate science, like all sciences, is an ever-changing discipline: our knowledge is always advancing. Robust discussion about data interpretation, methodology, and findings are part of daily scientific discourse. That is how science progresses. However, the integrity of the scientific process cannot thrive when policymakers—regardless of party affiliation—use policy disagreement to pretext challenges scientific conclusions.

Given your interest in the state of climate science, we would welcome the opportunity to meet with you to understand your perspective and rationale for the proposed activity; and to discuss climate science, including which areas are at the frontiers of scientific knowledge and which are well-established because of thousands of studies from multiple lines of evidence.

We look forward to hearing from you, and your office may contact Lexi Shultz, Kasey White, or Joanne Carney to coordinate a meeting.

Sincerely,

Rush D. Holt, Ph.D., Chief Executive Officer, American Association for the Advancement of Sciences; Robert Gropp, Ph.D., Co-Executive Director, American institute of Biological Sciences; Chris McEntee, Executive Director and Chair, American Chemical Society; Mary Beth Myers, American Physical Union; Ellen Bergfeld, Ph.D., Chief Executive Officer, American Society of Agronomy; Crop Science Society of America; Society of American Biologists; Brian Broderick, Ph.D., President Elect, American Society of Ichthyologists and Herpetologists; Crispin B. Taylor, Ph.D., Chief Executive Officer, American Society of Plant Biologists; Barry D. Nussbaum, Ph.D., President, American Statistical Association; Olin E. Rhodes, Jr., Ph.D., Association of Ecosystem Research Centers.

Linda Duguay, Ph.D., President, Association for the Sciences of Limnology and Oceanography; Robin L. Chadzim, Ph.D., Executive Director, Association for Tropical Biology and Conservation; Katherine S. McCarter, Executive Director, Ecological Society of America; Vicki McConnell, Ph.D., Executive Director, Geological Society of America; Paul Foster, Ph.D., President, Organization of Biological Field Stations; Raymond Mejia, Society for Mathematical Biology; Michael Montalbano, Ph.D., President, Society of Systematic Biologists.

Mr. WHITEHOUSE. Climate denial, on the other hand, avoids peer review as if it were Kryptonite, so this call for peer review of the contest between climate science and climate denial is alchemy, or for the evil intent behind it and, of course, the stakes. How very risky and dangerous continuing to get this climate issue wrong is for our country.

Mr. President, I ask unanimous consent to have printed in the RECORD an op-ed written by John Holdren, until recently the President’s climate advisor, called “The pervasiveness of ‘red-teaming’ climate science.”

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

[From bostonglobe.com, July 25, 2017]

The Perversity of ‘Red-Teaming’ Climate Science

(John P. Holdren)

EPA administrator Scott Pruitt is reportedly giving serious consideration to invest-
through the peer-review process that findings must survive before being published in a scientific journal. It happens far more widely through the scrutiny of the wider community of experts in a given field once the findings have been published. That scrutiny is intense, not least because scientists make their reputations in substantial part by providing peer review of the published findings of others. This is the essence of the cumulative and self-correcting nature of the scientific enterprise as a whole.

Precise science produces policy implications that appear to challenge the status quo in global energy supply, moreover, and professional organizations are inevitably hand-picked non-experts from federal agencies, or are professional associations of scientists that have been repeatedly "red-teamed," both by groups of avowed contrarians sponsored by right-wing groups and by the most qualified parts of the world’s scientific community. The right-wing’s "red team" efforts have consistently been characterized by brazen cherry-picking, misrepresentation of the findings of others, recycled or discredited hypotheses, and the invention of new ones destined to be discredited. Almost none of this material has survived to be published in the respectable professional literature.

Of course, the Intergovernmental Panel on Climate Change itself, which works under the auspices of Framework Convention on Climate Change, can be regarded as a "red team-blue team" operation, in which every conclusion must pass muster with a huge team of expert authors and reviewers from a wide variety of disciplines and nations (including from Saudi Arabia and other major oil producers inclined to be skeptical). The IPCC’s five assessments of climate science (in 1990, 1995, 2001, 2007, and 2013-14), each more emphatic than the last in its conclusions that human-produced greenhouse gases are changing global climate with ongoing and growing impacts on human well-being.

Climate-change science has likewise been reviewed regularly by committees of the US National Academy of Sciences, the United Kingdom’s Royal Society, the World Meteorological Organization, the American Geophysical Union, and many other reputable bodies, all of which have contributed to and confirmed the overwhelming consensus of knowledge that human impacts are already having consequences that matter for policy: (1) the Earth’s climate is changing in ways not explainable by the known natural influences; (2) the dominant cause is the build-up of greenhouse gases in the atmosphere that has resulted from burning coal, oil, and natural gas, and from land-use change; (3) significant harm has already been inflicted; (4) these changes is already occurring; (5) the harm will continue to grow for decades because of inertia in the climate system and society’s energy infrastructure; (6) many other possible feedbacks could make the eventual consequences of these changes be much smaller if the world’s nations take concerted, aggressive evasive action than if they do not.

What then, could explain the interest in a new "red team-blue team" effort on climate science organized by the federal government? Some proponents may believe, naively, that such a fragile process could unseat flaws in mainstream climate science that the rigorous, decades-long scrutiny of the IPCC has subjected has far exceeded even the already pervasive and rigorous norms that have been repeatedly applied to the profession of climate science. That scheme from the industry and the right-wing fanatics has been to attack climate science. They have been at it for years. If you are a huge polluting industry or a right-wing fanatic, you go: "Tell me what is wrong about attacking science? Well, you can’t win a real attack on the science, precisely because the polluter nonsense could not make it through peer review. Peer review is the most basic test to whether an argument is bad or not. It is peer review because their argument is bogus, phony, and it is a fraud. So the scheme has always been to avoid peer review because it is a test they would fail."

If you are going to fail the peer review test, what do you do? Instead of a direct attack through peer review journals, they attack science from the side. They create a phony parallel science, a simulacrum of science that doesn’t have to face peer review. Their phony science doesn’t even have to be true. In fact, they don’t care whether it is true; indeed, I contend that some of them know it is not true and are engaged in deliberate, knowing fraud. But, in any event, they have not met the standard that is the point of this phony parallel science. The goal is political, not scientific.

What they want is for government—us—to let them keep polluting. Polluting with their product makes them big, big money, and they don’t want to stop. So the goal is not to enter the scientific debate on scientific terms. This is no quest for truth; this is a quest to influence public opinion. So the polluter nonsense doesn’t have to be true, it just has to be imaginable that the scientific consensus is not strong enough to influence an uninformed public. The goal is to fool the public and mess with politics. That is how they keep the political pressure off having to clean up their act. Their battlefield is the public mind, and their goal is to pollute the public mind with false doubts about the real science.

The climate denial apparatus that Pruitt and Perry serve just needs to create the illusion that there is still scientific doubt, and just has to create the illusion that there are scientists who don’t know, and that there is a scientific audience—the average voter, people who don’t know any better and shouldn’t be expected to. To do this, they have set up an elaborate con game to help them foment this illusion that there is a real contest here.

Their first trick, of course, is to hide the hand of the funders who back this scheme behind innocent or respectable-sounding names. If you look at the hand behind the Koch Industries, well, the jig would be up, so they have to back front groups—dozens, indeed, of front groups. The front groups take nice, cozy words like "heritage" and "heartland" and "prosperity," and then they stick them on the front of the front group.

Mr. President, I ask unanimous consent to have in printed in the RECORD an article entitled "EPA is asking a climate denier think tank for help recruiting its ‘red team’" in this effort at the conclusion of my remarks.

This article points out that they are actually recruiting one of these phony front groups, the Heartland Institute, comparing climate scientists to the United Nations, and any call for a new "red team-blue team" effort on climate science can be regarded as a direct attack through peer review journals, they attack science from the side. They create a phony parallel science, a simulacrum of science that doesn’t have to face peer review. Their phony science doesn’t even have to be true. In fact, they don’t care whether it is true; indeed, I contend that some of them know it is not true and are engaged in deliberate, knowing fraud. But, in any event, they have not met the standard that is the point of this phony parallel science. The goal is political, not scientific.

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This article points out that they are actually recruiting one of these phony front groups, the Heartland Institute, comparing climate scientists to the United Nations, and any call for a new "red team-blue team" effort on climate science can be regarded as a direct attack through peer review journals, they attack science from the side. They create a phony parallel science, a simulacrum of science that doesn’t have to face peer review. Their phony science doesn’t even have to be true. In fact, they don’t care whether it is true; indeed, I contend that some of them know it is not true and are engaged in deliberate, knowing fraud. But, in any event, they have not met the standard that is the point of this phony parallel science. The goal is political, not scientific.

What they want is for government—us—to let them keep polluting. Polluting with their product makes them big, big money, and they don’t want to stop. So the goal is not to enter the scientific debate on scientific terms. This is no quest for truth; this is a quest to influence public opinion. So the polluter nonsense doesn’t have to be true, it just has to be imaginable that the scientific consensus is not strong enough to influence an uninformed public. The goal is to fool the public and mess with politics. That is how they keep the political pressure off having to clean up their act. Their battlefield is the public mind, and their goal is to pollute the public mind with false doubts about the real science.
review and the other attributes of real science.

They even ape the publications of real science. I don’t have the chart with me, but there is a publication by the legitimate U.S. Global Change Research Program entitled “Global Climate Change Impacts in the United States.” That is for real. It is real science. Then there is a look-alike publication called “Addendum: Global Climate Change Impacts in the United States,” which was cooked up by the Koch-funded and Cato Institute—same print, same text, same color. It virtually is a masquerade of the real item.

The first thing is to hide industry’s hand behind the front group, and the second is to mask propaganda activities in camouflage that resembles actual scientific activity without having to pass any tests of scientific activity.

The last thing is to run the operation like a marketing campaign, since, well, that is how you would market soap in peer-reviewed scientific journals, wouldn’t you? First of all, the journals wouldn’t publish it. Secondly, that is not your audience anyway. It is the same here. It doesn’t do these scoundrels any good to be publishing in peer-reviewed scientific journals, even if they could get their nonsense published there. The people who read scientific journals know better. That is not their audience, and they know that they will lose face in front of a scientific audience. They would shrivel up like the Wicked Witch. So they want to go right to the public with Madison Avenue-quality salesmanship and glossy messaging, marketing their dressed-up climate denial nonsense like you would market a new soap or spaghetti sauce. Go straight to TV, straight to talk radio, straight into the political debate.

The notion that the climate denial crowd now wants a scientific showdown that they will lose face in is ridiculous. First, they do not. We know they do not. They have been dodging away from peer review for the hundreds of square miles.

The problem is that there actually is a judge here. A real “high noon” will actually come. As the old saying goes, time will tell. When it comes to climate change, the laws of physics and chemistry will have the last word. The things that CO₂ concentrations do in the atmosphere are going to happen no matter what we say or believe about them. The laws of physics do not depend on political beliefs. The chemistry of what happens when seawater is exposed to more and more CO₂ is going to happen, and it will follow the laws of chemistry, not our opinions or beliefs.

What we humans say or what we believe or what we have been conned into believing by the climate denial scheme will not matter at all. Our views—our opinions—are not part of the equation. Fill one room with climate deniers and fill another room with climate scientists, and the same chemistry experiments would result in both rooms. Chemistry does not care about our opinions.

The way trees and animals and fish and insects and viruses and bacteria react to new temperatures and new levels of acidity and new environments we have no say in. The fossil fuel industry can cow westerners into silence or even con them into believing the industry’s climate denial nonsense, and the bark beetle will not care. It will not even know that we are running on buy run.

The bark beetle will just keep eating its way up the warming latitudes and altitudes and killing pine forests by the hundreds of square miles.

What science does for us is give us the ability, as humans, to understand the laws of science so that we can predict what will and will not happen. Science provides mankind with headlights so that we can look ahead and see what the future portends, but turning off those headlights by denying the existence of climate change is to blind the driver so that we are not even looking out the windshield will not change what is ahead. Whatever is coming at us is still coming at us. We just will not see it in time to steer around it in order to minimize the collision or slow down and soften the impact. We will not have time because we will have given that time to the polluters.

Time is what the climate denial crowd is doing a very grievous wrong. They are dishonest, dishonorable, disgraceful, and disgraceful. Time will tell us just how wicked they are.

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

—From ThinkProgress, July 25, 2017—

EPA IS ASKING A CLIMATE DENIER THINK TANK FOR HELP RECRUITING ITS ‘RED TEAM’ (By Erin Axel)

The Environmental Protection Agency has asked the Heartland Institute, a D.C.-based rightwing think tank that denies the human causes of climate change, to help identify scientists to join the initial red team-blue team effort to “debate” the science of climate change, according to the Washington Examiner.

The move is part of EPA Administrator Scott Pruitt’s efforts to undercut established climate science within the agency. In an interview with Reuters earlier this month, Pruitt suggested the possibility of creating a red team to provide “a robust discussion” on climate science and determine whether human activities are contributing to “wicked they are.

The Heartland Institute offers a model of what the EPA red team might look like. Their contrarian Nongovernmental International Panel on Climate Change—often referred to as a red team—publishes regular volumes of a report called “Climate Change Reconsidered.”

Heartland communications director Jim Lakely told the Washington Examiner the red team engages in critique climate science, according to the agency, and facilitates rigorous examination.

One thing you can bet is that game time will never come, but in the meantime, they have the craftily embedded lie out there that climate denial and climate science stand on an equal foot-}

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Simmons, currently an assistant to Energy Secretary Rick Perry, is still listed as an author on Heartland’s website. Myron Ebell, a noted climate denier, led Trump’s EPA transition and was written several pieces opposing climate policy for Heartland.

Heartland has received funding from several fossil fuel companies, though it no longer discloses its funders. In 2012, leaked documents from the group showed the group received contributions from the Charles G. Koch Charitable Foundation and the US Chamber of Commerce, among others. It has also received funding from ExxonMobil to support work to refute the human causes of climate change.

Last month, Heartland announced former Kansas congressman Tim Huleckamp will become president of the organization. During his political career, Huleckamp’s top donor was Koch Industries, and he received more than $250,000 in campaign contributions from the oil and gas industry. Koch Industries and the Koch family foundations have been one of the largest funders of organizations that deny humans’ role in causing climate change and oppose policies to reduce greenhouse gas emissions.

It remains to be seen who will staff the EPA’s red team. NYU professor Steve Koonin, a scientist who formerly worked with then-President Barack Obama,-Tekholm and is reported by the top contender. In 2014, Koonin wrote a Wall Street Journal op-ed detailing the ways in which climate science is not settled, to which humans are causing climate change, a now-frequent talking point among Trump administration officials.

In April, Koonin published another op-ed in the Wall Street Journal, suggesting that a Red Team/Blue Team would be “a step toward resolving . . . differing perceptions of climate science.”

Mr. WHITEHOUSE. Mr. President, I yield the floor. The PRESIDING OFFICER. The majority leader.

FDA REAUTHORIZATION ACT OF 2017—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 174, H.R. 2430.

The PRESIDING OFFICER. The motion to proceed to the calendar.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 174, H.R. 2430, a bill to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

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 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 motion to proceed to calendar No. 174, H.R. 2430, an act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products, and for other purposes.

Mitch McConnell, Steve Daines, Mike Crapo, James M. Inhofe, Lamar Alexander, Pat Roberts, Thom Tillis, Orrin G. Hatch, John Cornyn, Cory Gardner, Roger Wicker, John Thune, Mike Rounds, John Hoeven.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived with respect to the cloture motion.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 61, 63, 162, 174, 194, 246, 248, and 249.

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

The clerk will report the nominations.

The legislative clerk read the nominations of Elaine McCusker, of Virginia, to be a Principal Deputy Under Secretary of Defense; Robert Daigle, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense; Robert R. Hood, of Georgia, to be an Assistant Secretary of Defense; Richard V. Spencer, of Wyoming, to be Secretary of the Navy; Ryan McCarthy, of Illinois, to be Under Secretary of the Army; Lucian Nie- meiner, of Pennsylvania, to be an As- sistant Secretary of Defense; Matthew P. Donovan, of Virginia, to be Under Secretary of the Air Force; and Ellen M. Lord, of Rhode Island, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to re- consider be considered made and laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the Record; that the Presi- dent be immediately notified of the Senate’s action and the Senate then re- sume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate ad- vise and consent to the McCusker, Daigle, Hood, Spencer, McCarthy, Nie- meyer, Donovan, and Lord nominations en bloc?

The nominations were confirmed en bloc.

Mr. MCCONNELL. Mr. President, for the information of Senators, the Senate just confirmed eight nominees for the Defense Department.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLIMATE DISRUPTION

Mr. MERKLEY. Mr. President, climate disruption is a seminal challenge of our time, it affects everything from our farms to our forests to our fishing. We see the impact in disappearing glaciers, melting permafrost, shrinking ice sheets, raging forest fires, dying coral reefs, migrating animals and insects, and more powerful storms.

The world is changing right in front of us. It is appropriate to call this cli- mate disruption because our climate is broken, and it is affecting so many things that we value. In response, com- munities across the globe are trans- forming their energy economies—from increasing the energy efficiency of buildings, vehicles, and appliances to displacing a carbon-polluting fossil-fuel-energy economy with a renewable and clean-energy economy.

How much do you know about the changes under way? Let’s find out. Welcome to episode 4 of the Senate Cli- mate Disruption Quiz.

Here we go. First question: Atmospheric carbon dioxide is at its highest level in at least how many years? Is it 88 years? Is it the highest level in the last 800,000 years? Is it the highest level in the last 800,000 years, or is it the highest level in the last 80 million years?

Think about your answer.

The correct answer is C, 800,000 years.

Mr. WHITEHOUSE. Mr. President, a number of the carbon dioxide readings for the planet reached 400 parts per million. For perspective, before the industrial revolution, before we started burning fossil fuels in mass- quantities, the carbon dioxide level was about 280 parts per million.

Here is something that is even scar- rier. The rate is going up faster and faster. In 1965 and 1975, it was going up at about 1 part per million per year. Then the increase in the last 20 years, it was 2 parts per million per year, and the last 2 years, it has gone up at a rate of 3 parts per part per million per year.

As the human civilization, we have to turn this around. We have to not only slow it down, but we have to turn it around and lower those levels of car- bon dioxide so we can preserve our blue-green planet.
Question No. 2, which Governor announced that he or she will hold a global climate summit here in America next year?

Is the answer Jerry Brown? Is the answer Governor Rick Snyder of Michigan, Governor Susana Martinez of New Mexico, or Governor Rick Scott of Florida?

The answer—now that you have decided which one you think is right—is A, Governor Jerry Brown of California. He announced on July 6 that he will bring entrepreneurs, mathematicians, professors, climate experts, and others from around the world in September 2018 for a summit to fight the existential threat of climate change.

This meeting is being viewed as a very significant undertaking to keep the conversation going forward, because in the absence of the United States being deeply involved in the Paris Agreement, the United States has to be involved in many other ways. This issue is too big, and the challenge is too great for us to be sitting it out.

Let’s turn to question No. 3. The world’s first floating wind farm is being constructed off the coast of which country? Is it Germany? Is it the coast of the United States? Is it Scotland? Or is it France?

I might point out that, when we see a floating wind farm, we are talking about a wind farm in which the sea floor is deep enough that it can’t be anchored; that is, the turbine cannot be anchored on the sea floor. There is a hint, a little clue.

Do you have your answer?

The correct answer is C, Scotland.

The Peterhead wind farm, off the coast of Scotland, is using revolutionary technology to harvest wind power in waters that are too deep for wind turbines to be anchored on the seabed.

The wind farm’s first turbine was just towed into place. Once finished, it will include five 6-megawatt turbines. By the way, those are much larger turbines than the ones we have on land in the United States. The blades will be 246 feet long. Together, the group of turbines will be able to power 20,000 homes by the end of the installation.

Maybe we will see some of those appearing off the coast of the United States in the future.

Let’s turn to question No. 4. Glacier National Park in 1910 had 150 glaciers. How many are there today? Are there 200? Are there 150? Are there 25? Or are there 10?

What is the answer?

The answer is C, 25.

Here we are in just a century, and we have gone from 150 glaciers in Glacier National Park to only 25 left. According to Dan Fagre, a USGS research ecologist, “within 20 years, the bulk of the remaining glaciers will be too small to be considered active glaciers.”

When these glaciers are gone, it will have a significant impact on Montana and its economy. They typically put off a significant amount of water in late August and early September. They feed streams that would otherwise dry up. They provide cool water that plays a critical role in the life cycles of both insects and fish. If you are planning to see the glaciers in Glacier National Park, go soon.

Let’s turn to question No. 5. Tesla, the electric car company, is set to install the world’s largest grid-scale battery in which country? Are they going to install that battery in China, in Australia, in Mexico, or in Spain?

If you had time to ponder the question and develop your answer, the answer is not China, which you might expect because China is so large and is so engaged in renewable energy today, nor is it Mexico or Spain. It is Australia.

Australia has embraced renewable energy. In 2016, renewable sources produced more than 17 percent of the country’s electricity. South Australia has raced ahead of the rest of the country in embracing renewables, particularly wind power.

Until now, it has not been able to adequately store the energy generated by the region’s wind farms. Later this year, Tesla will install the world’s largest lithium-ion grid-scale battery and pair it with one of the wind farms, in a major leap forward for large-scale renewable energy use.

The idea is that the 129-megawatt-hour battery, which is capable of putting out 100 megawatts of power at a time, will help stabilize South Australia’s electrical grid and provide backup power if there is a shortfall.

More and more, as we have wind on the grid and as we have solar power on the grid, batteries are being turned to as a strategy to even out the flow of electricity.

There you have it, folks. Five questions in episode 4 of the Senate Climate Disruption Quiz. They are questions ripped right from the headlines. Facts on the ground are changing fast, as climate disruption increases and communities across the globe are responding. We are racing the clock. There is no time to spare.

Stay engaged in the fight to save our beautiful blue-green planet. In the near future, I will bring you episode 5 of the Senate Climate Disruption Quiz.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

CONGRESSIONAL RECORD — SENATE August 1, 2017

MORNING BUSINESS

ARM'S SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior no-
tification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee’s intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-425.

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

DEFENSE SECURITY

COOPERATION AGENCY

Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

In accordance with the requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-29, concerning the Navy’s proposed Letter(s) of Offer and Acceptance to the Government of the Republic of Iraq for defense articles and services estimated to cost $150 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

GREGORY M. KAUSNER,
Acting Director.

Enclosures.

TRANSMITTAL NO. 17-29
Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Republic of Iraq.

(ii) Total Estimated Value: Major Defense Equipment* $50 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase

Non-MDE: Follow-On Technical Support (FOTS) for various U.S.-origin navy vessels and a ship repair facility in Iraq to include procurement of spare and repair parts, support and test equipment, publications and technical documentation, personnel training equipment, engineering and logistics support services and other related elements of logistics and program support.

(iv) Military Department: Navy (XX-P-GAS).

(v) Prior Related Cases, if any: GAL, 20 May 14; GAM, 20 May 14; GAO, 3 Nov 16.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: None.

(viii) Date Report Delivered to Congress: August 1, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.
Metal Shop has grown and modernized through the years. The family’s commitment to quality and innovation, as well as a focus on employee development and support, has helped Haley’s Metal Shop to become a leader in the industry.

Today, Brian and son Matthew continue the family tradition of running the business together. The company employs over 40 people, including four father-son pairs. They support their staff by providing on-the-job training to help employees develop new and important skills.

Haley’s Metal Shop has made it their commitment to give back to the community by contributing to various organizations over the years. The company donates time and resources to support local schools, businesses, and charitable causes, and has made it their commitment to give back to the community in meaningful ways.

In 2015, Dan was selected to be an Assistant Secretary of the Army. In his subsequent role as congressional budget liaison, Dan ensured the Army’s budget positions were well represented to the Senate and House Committees on Appropriations.

I have enjoyed the benefit of Dan’s counsel over the past 3 years. It is a pleasure to recognize and commend Dan for his service to this country and to wish him and his wife, Cathy, all the best as they continue their journey in the U.S. Army.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID HOLLISTER

Mr. King. Mr. President, today I wish to pay special tribute to my lifelong friend and former legislative colleague, David Hollister. On August 14, 2017, the city of Lansing will be renaming their city hall the “David C. Hollister City Hall,” a very fitting tribute to this dedicated public servant.

Over the years, Dave Hollister has been a mentor, a colleague, and a friend to me. I first met Dave when I was a student at Michigan State University, working at the Cristo Rey Center, the Maine Cancer Foundation, and the Biddeford Free Clinic, among others. These commendable efforts both in the shop and in the community help make Haley’s Metal Shop a great part of Biddeford and Maine.

I am pleased to join the Biddeford community in congratulating the Haley family and the dedicated employees of Haley’s Metal Shop for this remarkable centennial achievement. I look forward to following their continued growth, and I thank them for their innovation, entrepreneurship, and hard work servicing communities in the State of Maine.

Mr. Cochrane. Mr. President, I am pleased to commend LTC Daniel S. Artino for his dedication to duty and service as an Army legislative fellow and congressional budget liaison for the Assistant Secretary of the Army.

Dan was recently selected to command an Apache battalion and will soon depart for Fort Bliss, TX.

A native of Stow, OH, Dan was commissioned as an aviation officer after graduating from the U.S. Military Academy, where he earned a bachelor of science degree in international relations. He also earned a master’s degree in legislative affairs from George Washington University.

Dan is known for his broad range of assignments during his Army career. He has led troops as an attack platoon leader, a headquarters company commander, and as the commander of an attack reconnaissance company flying Apache helicopters. He has served overseas in Germany and deployed several times into combat in support of operations in Iraq and Afghanistan. Dan’s leadership has been felt from the platoon to the brigade level.

In 2015, Dan was selected to be an Army Congressional Fellow, and my office was fortunate to host him. For the next year, Dan served the State of Mississippi and the Nation admirably.

Dave Hollister represents the very best of public service. He has selflessly served in State and local government. Whether in Lansing or in Washington, DC, he worked tirelessly to do what is right for people. Able to bring people together to forge solutions on the most difficult problems, he is a community organizer in the truest sense of the word.

Naming the Lansing City Hall after Dave Hollister is not only a fitting tribute to him, but a tribute to the kind of public service his life represents.

After serving in the Michigan House of Representatives, Dave was elected mayor of the city of Lansing in 1993. While mayor, he inspired and led what is known as the “Lansing Works! Keep GM!” movement. Dave brought together community leaders in government, business, and labor and convinced General Motors to stay and invest over $1 billion in the Lansing area. This effort saved thousands of jobs and prevented a crisis in the region. Dave’s leadership serves as a model of teamwork for leaders and communities across our country.

Keeping General Motors in Lansing is just one example of Dave’s leadership. After serving as mayor, he was appointed director of the Michigan Department of Labor and Economic Growth in 2003. Subsequently, Dave served as president and CEO of Prima Civitas, a nonprofit economic and community development organization.
TRIBUTE TO TAYLIN ALBRECHT

Mr. ROUNDS. Mr. President, today I recognize Taylin Albrecht, an intern in my Washington, DC, office, for all the hard work she has done for my staff, and the State of South Dakota.

Taylin is a graduate of DeSmet High School in DeSmet, SD. Currently, she is attending South Dakota State University in Brookings, SD, where she studies the most out of her internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Taylin for all of the fine work she has done and wish her continued success in the years to come.

TRIBUTE TO GERALD FRAAS

Mr. ROUNDS. Mr. President, today I recognize Gerald Fraas, an intern in my Washington, DC, office, for all the hard work he has done for my staff, and the State of South Dakota.

Gerald is a graduate of West Central High School in Hartford, SD. Currently, he is attending the University of Alabama in Tuscaloosa, AL, where he studies political science and economics.

I extend my sincere thanks and appreciation to Gerald for all of the fine work he has done and wish him continued success in the years to come.

TRIBUTE TO MATTHEW KRALL

Mr. ROUNDS. Mr. President, today I recognize Matthew Krall, an intern in my Washington, DC, office, for all the hard work he has done for my staff, and the State of South Dakota.

Matthew is a graduate of Mitchell High School in Mitchell, SD. Currently, he is attending Dakota Wesleyan University in Mitchell, SD, where he studies history and political science. Matthew is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to Matthew for all of the fine work he has done and wish him continued success in the years to come.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 3219. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2018, and for other purposes.

EC-2443. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to compliance by the United States courts of appeals and district courts with the time limitations established for deciding habeas corpus death penalty petitions; to the Committee on the Judiciary.

EC-2444. A communication from the Federal Communications Commission, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Miscellaneous Changes to Trademark Application and Trademark Amendment Rules” (RIN0510–AD22) received during adjournment of the Senate in the Office of the President on July 21, 2017, to the Committee on Commerce, Science, and Transportation.

EC-2445. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “The Residential Substance Abuse Treatment (RSAT) Study”; to the Committee on the Judiciary.

EC-2446. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled “Unified Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Third Quarter of Fiscal Year 2017”; to the Committee on Veterans’ Affairs.


EC-2449. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010” (MB Docket No. 11–43) (FCC 17–80) received during adjournment of the Senate in the Office of the President on July 21, 2017, to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–78. A joint resolution adopted by the Legislature of the State of Alaska for making application to the United States Congress to call a convention of the state to propose a countermand amendment to the United States Constitution as provided under Article V; and urging the legislatures of the other 49 states to make the same application; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 14

Whereas the state’s access to a fair permitting process for projects that will develop the state’s natural resources and provide revenue streams to the state, including oil exploration in the Arctic National Wildlife Refuge and large-scale mining projects throughout the state, has been denied by the United States Environmental Protection Agency and other agencies of the federal government; and

Whereas the United States Congress has, at times, exceeded its delegated powers, the President of the United States has, at times,
S. 504. A bill to permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program (Rept. No. 115-114).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 81. A bill to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to combat federal fraud targeting seniors, and for other purposes (Rept. No. 115-114).

By Mr. GRASSLEY, from the Committee on the Judiciary, to report an amendment in the nature of a substitute:

S. 1331. A bill to provide assistance in abolishing human trafficking in the United States.

S. 1332. A bill to prioritize the fight against human trafficking in the United States.

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. GARDNER (for himself and Ms. HASSAN): S. 1682. A bill to facilitate a national pipeline of spectrum for commercial use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DONNELLY:

S. 1683. A bill to amend the Federal Election Campaign Act of 1971 to reduce the number of members of the Federal Election Commission from 6 to 5, to revise the method of selection and terms of service of members of the Commission to distribute the powers of the Commission between the Chair and the remaining members, and for other purposes; to the Committee on Rules and Administration.

By Ms. HIRONO:

S. 1684. A bill to establish a position of Science Laureate of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCOTT (for himself and Mr. WARNER):

S. 1685. A bill to require Fannie Mae and Freddie Mac to establish procedures for considering certain credit scores in making a determination whether to purchase a residential mortgage for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASSIDY (for himself and Mr. KENNY):

S. 1686. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to provide for management of red snapper in the Gulf of Mexico, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MERRKLEY:

S. 1687. A bill to require the Mekongus the Financing Energy Efficient Manufacturing Program at the Department of Energy to promote financial assistance to promote energy efficiency and onsite renewable technologies in manufacturing facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDEN, Ms. DURBIN, Mr. HARRIS, Ms. HASSAN, Mr. HINCHICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Mr. LEAHY, Mr. MANCHIN, Mrs. McCASKILL, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WYDEN, Mrs. GILLIBRAND, and Mr. WHITMER):

S. 1688. A bill to amend title XVIII of the Social Security Act to allow the Secretary of Health and Human Services to negotiate fair prescription drug prices under part D of the Medicare program; to the Committee on Finance.

By Mr. BOOKER:

S. 1689. A bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the act to marihuana, and for other purposes; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Mrs. MICHLAY, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1690. A bill to amend the Higher Education Act of 1965 to provide greater support to students, veterans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Mr. GARDNER, Mr. WYDEN, and Mr. DAINES):

S. 1691. A bill to provide minimal cybersecurity operational standards for Internet devices purchased by Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COONS (for himself, Mrs. CAPTRO, Mr. COTTON, Mr. CASSIDY, Mrs. SHAHEEN, and Ms. WARREN):

S. 1692. A bill to authorize the National Emergency Medical Services Memorial Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself, Mr. BLUMENTHAL, Mr. MCCAIN, Mrs. McCASKILL, Mr. CORNYN, Ms. HERTKAMP, Mr. BLUNT, Ms. CAPITO, Mr. CASEY, Ms. COLLINS, Mr. CORREER, Mr. CRUZ, Mr. FLAKE, Mr. GRAHAM, Mr. ISAISON, Mr. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. NELSON, Mr. RUBIO, Mr. BROWN, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. HOEVEN, and Mr. COCHRAN):

S. 1693. A bill to amend the Communications Act of 1934 to clarify that the Federal Communications Commission has the authority and the responsibility to require that each Internet service provider that offers Internet access to the public, and that operates a network that hosts content that is accessible to the public, take reasonable action to prevent the creation and dissemination of materials that are harmful to minors and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RYAN (for himself, Mr. CASEY, and Mr. COONS): S. 1694. A bill to improve quality and accountability for educator preparation programs; to the Committee on Education, Labor, and Pensions.

By Mr. UDALL (for himself and Mr. DURBIN):

S. 1695. A bill to amend the Higher Education Act of 1965 to provide greater support to students, veterans, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. MANCHIN, Mr. CORREER, Mr. BLUNT, Mr. COTTON, Mr. KENNEDY, Mr. RISCH, Mr. BOUNDS, Mr. Rubio, Mr. Young, Mr. CRAPO, Mr. SHELEY, and Mr. CRUZ):

REPORTS OF COMMITTEES

The following reports of committees were reported:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:
S. 199. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. BLUNT, Mr. ISAKSON, Mr. RISCH, Mr. GRASSLEY, and Mr. RUBIO):

S.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; 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 Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 237. A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. FRANKEN):

S. Res. 238. A resolution recognizing the 10th anniversary and honoring the victims of the collapse of the Interstate 35W Mississippi River bridge; to the Committee on the Judiciary.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 239. A resolution congratulating the Pittsburgh Penguins for winning the 2017 Stanley Cup hockey championship; considered and agreed to.

By Mr. RUBIO (for himself and Mr. NELSON):

S. Res. 240. A resolution congratulating the University of Florida baseball team for winning the 2017 NCAA College World Series; considered and agreed to.

By Ms. COLLINS (for herself, Mr. MANCHIN, Ms. MURkowski, Mr. TESTER, Ms. WARNER, Mr. MARKEY, Ms. BALDWIN, Mr. COCHRAN, Mrs. SHAHEEN, Mr. PETERS, Ms. CAPITO, Mr. BOOZMAN, Mr. FRANKEN, Mr. MURPHY, Mr. HATCH, Mr. KENNY, Mrs. ERNST, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. Daines, Mr. ROUNDS, Mr. ISAKSON, Mr. RUBIO, Mr. RISCH, Mr. BROKER, Mr. YOUNG, Mr. VAN HOLLEN, Mr. HELLER, Mr. NELSON, Mr. DONNELLY, and Mrs. STEFFEN):

S. Res. 2H. A resolution supporting the goals and ideals of National Purple Heart Recognition Day; considered and agreed to.

ADDITIONAL COSPONSORS

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 104, a bill to provide for the vacating of certain convictions and expungement of certain arrests of victims of human trafficking.

S. 114. At the request of Mr. HELLER, the names of the Senator from Maine (Mr. KING) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 114, to authorize appropriations and to appropriate amounts for the Veterans Choice Program of the Department of Veterans Affairs, to improve hiring authorities of the Department, to authorize major medical facility leases, and for other purposes.

S. 194. At the request of Mr. WHITEHOUSE, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 194, a bill to amend the Public Health Service Act to establish a public liability insurance option, and for other purposes.

S. 236. At the request of Mr. Wyden, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 256. At the request of Ms. HERTKAMP, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 256, a bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

S. 322. At the request of Mr. PETERS, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Illinois (Ms. DUCKWORTH) were added as cosponsors of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 364. At the request of Ms. KLOBUCHAR, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 364, a bill to amend the Food Security Act of 1985 to exempt certain recipients of Department of Agriculture conservation assistance from certain reporting requirements, and for other purposes.

S. 445. At the request of Mr. TESTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 690. At the request of Mr. CARDIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 690, a bill to extend the eligibility of redesignated areas as HUBZones from 3 years to 7 years.

S. 697. At the request of Mr. DAINES, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to lower the mileage threshold for deduction in determining allowable gross income expenses of members of reserve components of the Armed Forces, and for other purposes.

S. 705. At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 705, a bill to amend the National Child Protection Act of 1993 to establish a national criminal history background check system and criminal history review program for certain individuals who, related to their employment have access to children, the elderly, or individuals with disabilities, and for other purposes.

S. 720. At the request of Mrs. GILLIBRAND, her name was withdrawn as a cosponsor of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

S. 736. At the request of Mr. CARDIN, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 736, supra.

S. 796. At the request of Mrs. WARNER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 929. At the request of Mrs. SHAHEEN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 929, a bill to improve the HUBZone program.

S. 1108. At the request of Mrs. ERNST, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1108, a bill to require the Administrator of the Small Business Administration to submit to Congress a report on the utilization of small businesses with respect to certain Federal contracts.

S. 1198. At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1198, a bill to reauthorize the North Korea Human Rights Act of 2004, and for other purposes.

S. 1269. At the request of Mr. SULLIVAN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.
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S. 1270
At the request of Mr. Risch, the name of the Senator from Idaho (Ms. Klobuchar) was added as a cosponsor of S. 1270, a bill to direct the Director of the Office of Science and Technology Policy to carry out programs and activities to ensure that Federal research and development funding are fully engaging their entire talent pool, and for other purposes.

S. 1428
At the request of Mr. Risch, the name of the Senator from Massachusetts (Mr. Markey) was added as a cosponsor of S. 1428, a bill to amend section 21 of the Small Business Act to require cyber certification for small business development center counselors, and for other purposes.

S. 1522
At the request of Mr. Heinrich, the names of the Senator from New Mexico (Mr. Udall) and the Senator from Maine (Ms. Collins) were added as cosponsors of S. 1522, a bill to establish an Every Kid Outdoors program, and for other purposes.

S. 1596
At the request of Mr. Peters, the name of the Senator from Minnesota (Mr. Franken) was added as a cosponsor of S. 1596, a bill to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes.

S. 1598
At the request of Mr. Rubio, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 1599, a bill to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes.

S. 1659
At the request of Mr. Tester, the names of the Senator from Rhode Island (Mr. Reed) and the Senator from Oregon (Mr. Merkley) were added as cosponsors of S. 1659, a bill to amend title 36, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1762
At the request of Mrs. Murray, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 1652, a bill to amend the Fair Labor Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes.

S. 1674
At the request of Mr. Reed, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 1674, a bill to provide grants for the repair, renovation, and construction of public elementary schools and secondary schools, to establish a school infrastructure bond program, and for other purposes.

S. Res. 220
At the request of Mr. Menendez, the name of the Senator from Wisconsin (Ms. Baldwin) was added as a cosponsor of S. Res. 220, a resolution expressing the sense of the Senate that certain programs have not been adequate to support veterans who have lost lives, freedoms, and rights for adhering to their beliefs and practices and condemning the practice of non-consenting organ harvesting, and for other purposes.

S. Res. 233
At the request of Mr. McConnell, his name was added as a cosponsor of S. Res. 233, a resolution designating August 16, 2017, as "National Airborne Day."

Amendment No. 430
At the request of Mr. Rounds, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of amendment No. 430 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Amendment No. 448
At the request of Mr. Tester, the name of the Senator from California (Ms. Hirono) was added as a cosponsor of amendment No. 448 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Amendment No. 458
At the request of Mr. Johnson, the name of the Senator from Kentucky (Mr. Paul) was added as a cosponsor of amendment No. 458 to the Justice Act, to remove marijuana from the list of controlled substances, thereby ending the Federal prohibition. The bill would also automatically expunge records for people who were convicted of Federal marijuana use and possession offenses. We must help people with criminal records get back up on their feet and obtain jobs, and expunging their records is an important step in that process.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Booker:

S. 1689
A bill to amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marijuana, and for other purposes; to the Committee on the Judiciary.

Mr. Booker. Madam President, I rise to talk about the Marijuana Justice Act that I introduced today that would end the Federal prohibition on marijuana and start to end the War on Drugs. For far too long we have approached drug use and addiction as something we can jail ourselves out of. It is beyond clear that approach has failed. It is time we start to address the persistent and systemic racial bias that has plagued our criminal justice system, and adopt policies that will move us forward, not backward. It is time to de-schedule marijuana.

Since 2001, arrests for marijuana have increased across the country and now account for over 50 percent of all drug arrests in the United States. The Alice in Wonderland policy only of over 8 million marijuana arrests between 2001 and 2010. It found that 88 percent of those were for marijuana possession. Alarmingly, the study also found that African Americans are 3.73 times more likely to be arrested for marijuana possession than their white peers, even though they use marijuana at similar rates.

Over the last five years, States have begun to legalize marijuana in an effort to push back on the failed War on Drugs and combat the illicit drug market. Currently, eight States and the District of Columbia have legalized marijuana and more States are taking up measures to follow suit. We know from the experiences of States that have already legalized marijuana that we will gain far more than we lose—these States have seen increased revenues and decreased rates of serious crime, and a reallocation of resources toward more productive uses. In Colorado, arrest rates have decreased and State revenues have increased. Washington saw a 10 percent decrease in violent crime over the three-year period following legalization.

However, the Federal government still treats marijuana as an illegal substance. It is time for the Federal government to end the Federal prohibition of marijuana.

Today, I introduced the Marijuana Justice Act, a bill that would remove marijuana from the list of controlled substances, thereby ending the Federal prohibition. The bill would also automatically expunge records for people who were convicted of Federal marijuana use and possession offenses. We must help people with criminal records get back up on their feet and obtain jobs, and expunging their records is an important step in that process.

The legislation would allow individuals currently serving time in Federal prison for marijuana offenses to petition a court for a resentencing. One of the greatest tragedies from the Fair Sentencing Act was that it did not provide retroactive relief to individuals serving time under the old crack and powder cocaine sentencing laws. The Marijuana Justice Act would allow people currently serving time for a marijuana offense to seek immediate relief.

The bill would also use Federal funds to encourage States where marijuana is illegal to legalize the drug if they disproportionately arrest or incarcerate low income individuals or people
of color. Too often drug laws are en-
dforced disproportionately against mi-
norities and the poor. This is unaccept-
able and belies our values.

Finally, the Marijuana Justice Act would establish a community reinvest-
ment fund, which would invest money in communities most affected by the
War on Drugs. Building new libraries, supporting job training, and investing
in community centers will improve public safety and is the right thing to
do after decades of failed drug policies.

The Marijuana Justice Act is a seri-
ous step in acknowledging, that after
40 years, it is time to end the War on
Drugs. It is time to stop our backward
thinking, which has only led to back-
ward results. It is time to lead with our
hearts, our heads, and with policy that
actually works.

By Mr. PORTMAN (for himself, Mr. BLUMENTHAL, Mr. MCCAIN, Mr. CASSIDY, Mr. CORKER, Mr. CRUZ, Mr. FLAKE, Mr. GRAHAM, Mr. ISAACSON, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEE, Mr. NEL-
SON, Mr. PORTNOY, Mr. BROWN, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. HOEVEN, and Mr. COCHRAN):

S. 1693. A bill to amend the Communi-

cations Act of 1934 to clarify that section
230 of that Act does not pro-
hibit the enforcement against provi-
ders and users of interactive com-
puter services of Federal and State
criminal and civil law relating to sex
trafficking; to the Committee on Com-
merce, Science, and Transportation.

Mr. PORTMAN, Mr. President, I
would like to talk today about the
criminal act of sex trafficking.

Today we introduced legislation that
is incredibly important to combating
sex trafficking. The Senate also passed a
resolution today by unanimous con-
sent to provide information to the Jus-
tice Department that comes out of an
investigation that we did in the U.S.
Senate regarding sex trafficking. This
is an important day in pushing back.

Let me talk about this for a second
in personal terms. Imagine, if you will,
that your daughter is missing. You do
everything you can do to find her. Fi-
nally, you see her picture on the inter-
net, and she is being sold for sex. That
could be your daughter, but it is very real. Unfortunately, it is
happening across our country.

Families in Ohio and in your State
have experienced this nightmare situa-
tion. Let me tell you about Kubiiki
Pride. Kubiiki Pride gave powerful tes-
timony before the Permanent Sub-
committee on Investigations in the
Senate. Ms. Pride said her daughter
had been missing for 9 months when she
found her picture on the top website
for commercial sex activity—backpage.com. She was actually glad
to have found her daughter. So she
called backpage.com and said: That is
my daughter. She has been missing for
9 months. She is 14 years old. Thank
you for taking down the ad.

Backpage.com said to her: Did you
pay for the ad?

She said: No. It is my 14-year-old
daughter.

They said: We are not going to take
down the ad. You didn’t pay for it.

Imagine if this were your daughter.

Imagine how you would feel.

These traffickers are using the inter-
net to sell girls and women. Congress has a responsibility to act. We have
a responsibility to act because human traf-
icking is now becoming a national

Human trafficking, including sex
trafficking, is a $150 billion-a-year in-
dustry. That makes it the second big-
gest criminal enterprise in the world,
only behind the drug trade. And this
ruthless, corrupt industry is growing
significantly. Why? Because of the
internet. Victims of sex trafficking told me: Ron, this has gone from the street corner to the
smart phone.

Since 2007, the Polaris Project—a
leading anti-trafficking advocacy
group—received 33,000 reports of human
trafficking through its various hot-
lines.

By the way, Polaris endorsed our leg-
islation, which I appreciate.

In 2016 alone, Polaris-operated hot-
lines received 8,000 reports of human
trafficking. Almost 25 percent of traf-
fickers reported to Polaris in the past
decade happened just last
year.

Human trafficking reports through
d these hotlines went up dra-

matically—95 percent—between
2015 and 2016. There is no reason to believe
this trend will reverse unless we act.

This is a 21st-century epidemic. The
National Center for Missing and Ex-
ploded Children noted an 846 percent
increase in reports of suspected child
sex trafficking through its CyberTi-
pline service between 2010 and 2015. In just
5 years, that is an increase of over 800
percent. They found this dramatic
spike to be “directly correlated to the
increased use of the internet to sell

children for sex.” That is what is going
don.

How is this happening? People are
being bought and sold on public do-

main access to a simple search.

And the majority of online sex traf-

ficking can be traced to one website
called backpage.com. The National
Center for Missing and Exploited Chil-
dren said 73 percent—three-quarters
of all suspected sex trafficking it re-
serves from the general public through its
CyberTipline comes from this one
website.

According to leading anti-traff-

ic organizations, including Shared Hope
International, service providers work-
in with child sex trafficking victims
have reported that between 80 percent
and 100 percent of the victims they
help incidents bought and sold on
backpage.com.

My experience in Ohio is similar to
that. I will tell you anecdotally, as I
talked to women and girls who had
been victims of sex trafficking, almost
all of them tell me they have been sold on
backpage. By the way, almost all of them
tell me that they had become add-
icted in the process to an opioid, her-

 cocaine, prescription drugs and that is
used to keep their dependency on their
trafficker.

In January of this year, a nearly
2-year investigation by the Senate Per-
manent Subcommittee on Investiga-

tions produced a report finding
backpage to be more deeply complicit
in illegal online sex trafficking than
anyone imagined. Everyone already
knew sex trafficking was taking place
on this website. It is our report that our
report found that backpage actively and
knowingly facilitated the criminal sex
trafficking of women and children; then it covered up evidence of these
crimes to increase its own profits. This
is the information we have now pro-
vided to the Department of Justice.

We also know from a recent Wash-
ington Post report that, despite its
claims, backpage aggressively solicited
and created sex-related ads to lure cus-
tomers to its website. In recent years it
“leads the industry” in its screening of
illegal activity, including sex ads for
children, but that isn’t true. To the
contrary, it appears the industry
backpage leads is online sex traf-

ficking, valuing its profits more than
the rights of vulnerable women and
young children. They have known
their site has been used for illegal sex traf-

ficking for years, but instead of put-
ing a stop to it, the company has ac-
tively facilitated these crimes.

That is why Congress has to act. Last
month, I, along with Senators MCCAS-
KILL and CARPER, launched a criminal
review of backpage.com. Today, the
Senate introduced a resolution releasing
materials from our 18-month investiga-
tion to the Department. I hope the De-
partment of Justice will join in this
fight against backpage. I believe
achieving justice for these victims re-
quires a legislative fix once and for all.

There is a recent documentary, and I
would encourage you to look at it. It
is powerful and tough, but it is impor-
tant. It is called “I am Jane Doe.” It
chronicles the cases of three young
victims who were sex trafficking victims
bought and sold on backpage. In 2014,
these girls brought cases against
backpage, accusing them of knowingly
assisting in their trafficking. The ads
on backpage for each of these girls ex-
plicitly promoted their youth. These
were underage girls.

The court found that the victims
made a strong case that backpage tai-

lored its site to make underage sex
trafficking easier. It ruled that third-party websites facilitating
sex trafficking are immune from
charges brought on by victims, no mat-

ter how complicit the website was in
the crime, citing the blanket immu-
nity granted by a 1996 law called the
Communications Decency Act, or CDA.

Around the same time in Massachu-
setts, three young victims sued
backpage after they were bought and sold on their website for sex. They, too, argued that backpage made sex trafficking easier. This case reached the First Circuit Court of Appeals, but backpage was once again spared of any legal ramifications because of the Communications Decency Act, specifically section 230 of that law—the clause courts credit to giving third-party providers blanket immunity from crimes committed through their website.

Despite its ruling, the court recognized that the website of backpage appearing to profit from online prostitution but maintained they couldn’t do anything about it because the law protected these acts. The court opinion stated that in order to fix the problem, “the remedy is through legislation, not litigation.” That is who we are. We are the legislators. The court of appeals said: Congress, do your job.

Numerous judicial decisions have suggested that Congress must act, before the courts render justice to the victims and families of online sex trafficking. That is my intention in introducing this legislation today.

I believe that we need to have free internet. All of us do. I believe that the Communications Decency Act is a well-intentioned law that has an important purpose. But the law was not intended to protect those who willingly facilitate illegal conduct, such as sex trafficking, and it wasn’t intended to protect backpage.com. That is why today I, along with a number of my colleagues from both sides of the aisle, have introduced this bill called the Stop Enabling Sex Traffickers Act. It clarifies section 230 of the Communications Decency Act to ensure that websites that knowingly facilitate sex trafficking can be held liable and the victims can get justice. It is very narrow. You have to knowingly be involved in supporting, assisting, and facilitating sex trafficking. This will not be a hard test.

The Stop Enabling Sex Traffickers Act puts in place three narrowly crafted and commonsense reforms.

First, it allows victims to seek justice against websites that knowingly facilitate crimes against them.

Second, it eliminates the Federal liability protections for websites that assist, support, or facilitate a violation of Federal sex trafficking laws—laws already on the books.

Finally, it requires State law enforcement—not just the Department of Justice—to take legal action if these businesses violate Federal sex trafficking laws. Forty-seven attorneys general asked for this.

This internet revolutionized illegal sex trafficking, and Federal law has not kept pace. It is time for this 21-year-old law to be brought into this century. The Stop Enabling Sex Traffickers Act is legislation our courts have been calling for. Our attorneys general have been calling for, and most importantly, what victims and their families have been insisting that we do.

Again, this law was never intended to protect sex traffickers who prey on the most innocent and vulnerable among us. This narrowly crafted bill gives law enforcement the tools they need to go after criminals who traffic women and children online for sex.

There are those who have been critical of this effort to hold backpage accountable and stop this online exploitation. They have suggested that this bipartisan bill could impact mainstream websites and service providers—like the ones out there. That is false. Our bill does not amend, and thus preserves, the Communications Decency Act’s Good Samaritan provision. This provision protects good actors who proactively block and screen for offensive material and thus shields them from any frivolous lawsuits. That is in the legislation and needs to be in there.

This bipartisan legislation preserves internet freedom, while holding those who actively facilitate online sex trafficking accountable.

I recently visited the Ranch of Opportunity in Washington Court House, OH. This is a place of hope for girls between ages 13 and 18 to find healing and recovery during a residential treatment program. One of the owners at the ranch, I am told, have been victims of sex trafficking. As I heard heart-breaking stories from these girls who have had their most basic human rights stripped from them, backpage came up. As I said earlier, it almost always was backdrops. They talk about the horrors they had to endure. What we can do and what this legislation will do is bring justice to these victims and their families.

I am proud to stand with my 20, now 25, bipartisan colleagues, as well as 18 anti-human trafficking advocacy groups and law enforcement organizations around this country, to support this legislation as we fight against this abhorrent evil.

In a letter of support, the president and CEO of the National Center for Missing and Exploited Children said: “This bill will help ensure justice for child sex trafficking victims and clarify remedies available to civil attorneys and State attorneys general to assist victims in holding everyone responsible who participated in their trafficking.”

That is what it is about. It is about securing justice for those who have had their most basic human rights taken away, and it is about protecting vulnerable women and children. Victims of sex trafficking know evil far worse than many of us can ever imagine. The trauma they go through is unbelievable. We owe it to them to fix flaws in the justice system that allow people complicit in these crimes to profit from human misery and suffering. The Stop Enabling Sex Traffickers Act will do that.

Thank you, Mr. President.

By Mr. REED (for himself, Mr. CASEY, and Mr. COONS):

S. 1694. A bill to improve quality and accountability for educator preparation programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, we know that the quality of teachers and principals are two of the most important in-school factors related to student achievement. Yet the pipeline into the profession has been neglected, if we are to improve outcomes it is essential that we invest in the professional preparation of teachers, principals, and other educators. As such, today, I am reintroducing the Educator Preparation Reform Act with my colleagues Senators Casey and Coons to ensure that the Federal government continues to be a partner in addressing this critical national need.

Today, we are facing a crisis in education. According to a research brief by the Learning Policy Institute, we have seen dramatic declines in enrollment in teacher preparation programs—an estimated 35 percent decline between 2009 and 2014. We also continue to see high rates of attrition among educators. If these trends continue, there will be an estimated gap of more than 100,000 between the number of teaching positions open and the number of teachers available to be hired annually through 2025.

The impact of these shortages falls the hardest on our most vulnerable students in our highest need communities. Rhode Island is no exception. Providence, our largest school district, is facing an acute shortage of teachers certified to teach English language learners. My home State has also reported shortages in special education, science, math, and school nurses.

We cannot solve this problem without improving both teacher and principal preparation. We need to make sure that our educator preparation programs are worthy of the professionals entering the field and the students they will serve. That is why it is more important than ever that we reauthorize the Educator Preparation Reform Act.

Our legislation builds on the success of the Teacher Quality Partnership Program, which I helped author in the 1998 reauthorization of the Higher Education Act. It continues the partnership between high need school districts, institutions of higher education, and educator preparation programs to reform pre-service programs based on unique needs of new teachers. Among the key changes are specific attention and emphasis on principals and the addition of a residency program for new principals. Improving instruction is a team effort, with principals at the helm. This bill by Senators Casey and Coons will allow partnerships to develop preparation programs for other areas of instructional need, such as for school librarians, counselors, or other academic support professionals.

The bill streamlines the accountability and reporting requirements for
Mr. SCHUMER submitted the following on behalf of myself and the distinguished committee referred its staff reports and findings to the United States Department of Justice for additional investigation. The Subcommittee has received a request from the Department seeking access to records that the Subcommittee obtained during the investigation.

In keeping with the Senate’s practice under its rules, this resolution would authorize the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, to provide records, obtained by the Subcommittee in the course of its investigation, in response to this request and requests from other Federal or State government entities and officials with a legitimate need for the records.

Mr. President, I ask unanimous consent that the material of the bill be printed in the RECORD. There being no objection, the text of the material was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 239—CONGRATULATING THE PITTSBURGH PENGUINS FOR WINNING THE 2017 STANLEY CUP HOCKEY CHAMPIONSHIP

WHEREAS the Penguins, in their 50th year playing in the National Hockey League (referred to in this preamble as ‘NHL’), won their fifth Stanley Cup;

WHEREAS the Penguins defeated the Western Conference Champions, the Nashville Predators in the Stanley Cup Finals, clinching the series with 4 wins and 2 losses;

WHEREAS the Penguins are the only NHL team to win back-to-back Stanley Cup championships since the NHL instituted salary caps in 2005 and the first team to do so since 1998;

WHEREAS the Penguins endured 3 tough opponents en route to the championship, defeating the Columbus Blue Jackets, the Washington Capitals, and the Ottawa Senators to clinch the Eastern Conference title and win their sixth Prince of Wales Trophy;

WHEREAS the city of Pittsburgh is fittingly nicknamed ‘The City of Champions’, highlighting the success of Pittsburgh professional sports teams, which have tallied 16 championships;
Whereas NHL Hall of Famer Mario Lemieux and Ron Burkle have jointly owned the team for 18 years, saving the Penguins from relocation and maintaining the team for the fans of Pittsburgh; and

Whereas longtime Penguins radio announcer Mike Lange is beloved by loyal fans of the team for such expressions as “Lord Stanley, let me get the brandy”; and

Whereas Penguins Captain Sidney Crosby, who has shown immense leadership, commitment to the team, and unparalleled skill throughout his outstanding career, was awarded the Conn Smythe Trophy as the 2017 NHL Playoffs Most Valuable Player, his second Conn Smythe Trophy in 2 years;

WhereasMatt Murray dazzled throughout the playoffs, becoming the first goaltender to win 2 Stanley Cups as a rookie, shutting out the Nashville Predators for the final 128 minutes, 52 seconds, and setting a rookie record with 2 shutouts in the Final series;

Whereas goaltender Marc-Andre Fleury contributed to the defensive prowess of the team throughout the Stanley Cup playoffs, playing in 15 games, including a memorable shutout performance in Game 7 of the Eastern Conference Second Round; and

Whereas the entire Penguins roster contributed to the Stanley Cup victory, including Josh Archibald, Nick Bonino, Sidney Crosby, Brian Dumoulin, Cameron Gaunce, Ron Hainsey, Kris Letang, Olli Maatta, Derrick Pouliot, Chad Ruhwedel, Justin Schultz, Mark Streit, David Warsofsky, Marc-Andre Fleury, Tristan Jarry, Sean Maguire, and Matt Murray: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida for winning the 2017 National Collegiate Athletic Association College World Series;

(2) recognizes the achievement and dedication of all players, coaches, and support staff who contributed to winning the national championship;

(3) congratulates the citizens of Florida, the University of Florida, and Florida Gators fans everywhere; and

(4) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Dr. W. Kent Fuchs, President of the University of Florida;

(B) Scott Stricklin, Director of Athletics at the University of Florida; and

(C) Kevin O’Sullivan, Head Coach of the University of Florida baseball team.

SENATE RESOLUTION 241—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PURPLE HEART RECOGNITION DAY

Ms. COLLINS (for herself, Mr. MANCHIN, Ms. MURkowski, Mr. TESTER, Ms. WARREN, Mr. MARKEY, Ms. BALDWIN, Mr. COCHRAN, Mrs. SHAHEEN, Mr. PETERSEN, Mrs. GUTTO, Mr. BOOZMAN, Mr. FRANKEN, Mr. MERKLEY, Mr. HATCH, Mr. KENNEDY, Mrs. Ernst, Mr. INHOFE, Mr. THUNE, Mr. MORAN, Mr. DAINES, Mr. ROUND, Mr. ISAKSON, Mr. RUBIO, Mr. ROY Blunt, Mr. Young, Mr. VAN HOLLEN, Mr. HELLER, Mr. NELSON, Mr. DONNELLY, and Mrs. FEINSTEIN) submitted the following resolution, which was considered and agreed to:

Ms. COLLINS. Mr. President, I rise to introduce a resolution supporting the goals and ideals of National Purple Heart Recognition Day. I am pleased to have joined in sponsoring this resolution by the senior Senator from West Virginia, Senator Manchin, and 25 of our Senate colleagues.

The Purple Heart’s history goes as far back as the founding of our Nation. General George Washington established what is now known as the Purple Heart Medal when he ordered establishing the Badge of Military Merit;

Whereas the Badge of Military Merit was designed in the shape of a heart in purple cloth or silk;

Whereas, while the award of the Badge of Military Merit ceased with the end of the Revolutionary War, the Purple Heart Medal was authorized in 1932 as the official successor decoration to the Badge of Military Merit;

Whereas the Purple Heart Medal is the oldest United States military decoration in present use; and

Whereas the Purple Heart Medal is awarded in the name of the President of the United States to recognize members of the Armed Forces who are killed or wounded in action against an enemy of the United States or are killed or wounded while held as prisoners of war;

Whereas the Purple Heart Medal has been awarded to an estimated 1,800,000 recipients; and

Whereas August 7, 1782, during the Revolutionary War, the Purple Heart Medal was established as the predecessor to the Purple Heart medal when General Washington authorized the award to be used to recognize meritorious action performed by enlisted members of the Continental Army, and it took the form of a purple heart.

The Military Badge of Merit was discontinued after the Revolution and was not revived until 1932, when the Purple Heart medal was authorized as its official successor decoration. On February 22, 1932, the 200th Anniversary of the birth of George Washington, then-Army Chief of Staff General Douglas MacArthur received the award, and it was redesignated as the Purple Heart.

It is around this time that the Purple Heart became synonymous with those unfortunate heroes who were killed or wounded in combat. Since 1932, the U.S. Military has awarded more than 1.8 million Purple Hearts.

Mr. President, just as the Purple Heart Medal has held a special meaning to its millions of recipients and their families, it also has special significance to my family. My father is a World War II veteran who was wounded twice during the Battle of the Bulge in Europe. He earned two Purple Hearts and the Bronze Star, and it was from him that I first learned to honor and respect our veterans.

The Purple Heart is a reminder that freedom is a gift purchased at the greatest possible price, and it is for that reason that I introduce this resolution. It is vitally important for all Americans to learn the history of this important military award, and understand and honor the sacrifices of the many men and women in uniform who have earned the Purple Heart. I am grateful to all of my colleagues who joined me in supporting this resolution.

There being no objection: the text of the bill was ordered to be printed in the RECORD.

Whereas, on August 7, 1782, during the Revolutionary War, General George Washington established what is now known as the Purple Heart Medal when he ordered establishing the Badge of Military Merit;

Whereas the Badge of Military Merit ceased with the end of the Revolutionary War, the Purple Heart Medal was authorized in 1932 as the official successor decoration to the Badge of Military Merit;

Whereas the Purple Heart Medal is the oldest United States military decoration in present use;

Whereas the Purple Heart Medal is awarded in the name of the President of the United States to recognize members of the Armed Forces who are killed or wounded in action against an enemy of the United States or are killed or wounded while held as prisoners of war;

Whereas the Purple Heart Medal has been awarded to an estimated 1,800,000 recipients; and

Whereas August 7, 2017, is an appropriate day to celebrate as National Purple Heart Recognition Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Purple Heart Recognition Day; and
(2) encourages all people of the United States—
(A) to learn about the history of the Purple Heart Medal;
(B) to honor recipients of the Purple Heart Medal; and
(C) to conduct appropriate ceremonies, activities, and programs to demonstrate support for people who have been awarded the Purple Heart Medal.

AMENDMENTS SUBMITTED AND PROPOSED

SA 741. Mr. GRASSLEY proposed an amendment to the bill S. 860, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

SA 742. Mr. PORTMAN (for Mr. GRASSLEY) proposed an amendment to the bill S. 178, to prevent elder abuse and exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases.

SA 743. Mr. PORTMAN (for Mr. RUBIO) proposed an amendment to the bill H.R. 601, to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes; as follows:

On page 8, line 20, strike ‘‘;’’ and insert a semicolon.

On page 8, line 21, strike ‘‘;’’ and insert a semicolon.

On page 8, lines 23 and 24, insert the following:

(’’(E) promote United States values, especially respect for all persons and freedoms of religion, speech, and the press. ’’

On page 12, line 14, strike ‘‘;’’ and insert a semicolon.

On page 12, strike line 17 and insert ‘‘educational systems; and’’.

On page 12, between lines 17 and 18, insert the following:

(’’(C) there is the greatest opportunity to reduce childhood and adolescence exposure to or engagement in violent extremism or extremist ideologies.’’

SA 744. Mr. PORTMAN (for Ms. MURKOWSKI (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 339, to amend Public Law 94-241 with respect to the Northern Mariana Islands.

SA 745. Mr. PORTMAN (for Mr. ISAKSON (for himself, Mr. BLUMENTHAL, Mr. TESTER, Mrs. MURRAY, Mr. HELLEW, Ms. HASSAN, Mr. NELSON, Mr. KING, Mr. DURBIN, Mr. UDALL, Mr. HAZZARD, Mr. DONELLY, Mrs. MCCASKILL, and Mr. BROWN) proposed an amendment to the bill H.R. 2288, to amend title 38, United States Code, to reform the rights and protection of citizens of the United States who are elder abuse victims in international criminal enterprises.

SA 747. Mr. PORTMAN (for Mr. RUBIO) proposed an amendment to the bill H.R. 601, to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes; as follows:

(2) The Secretary’s duty to assist under this section shall not apply to higher-level passing of claims, for a benefit under a law administered by the Secretary filed by a claimant who had previously filed a claim for the same or similar benefits on the same or similar basis.

SA 748. Mr. PORTMAN (for Mr. JOHNSON) proposed an amendment to the bill S. 582, to reauthorize the Office of Special Counsel, and for other purposes.

TEXT OF AMENDMENTS
SA 741. Mr. GRASSLEY proposed an amendment to the bill S. 860, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; as follows:

Beginning on page 40, strike line 23 and all that follows through page 41, line 23.

SA 742. Mr. PORTMAN (for Mr. GRASSLEY) proposed an amendment to the bill S. 178, to prevent elder abuse and exploitation and improve the justic system’s response to victims in elder abuse and exploitation cases; as follows:

On page 12, line 3, strike ‘‘individual’’ and insert ‘‘individually’’.

Beginning on page 23, strike line 15 and all that follows through page 24, line 15 and insert the following:

(1) Federal Government efforts to monitor—
(A) the exploitation of older adults of the United States through trafficking schemes and other international criminal enterprises;

(2) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in other countries; and

(3) the total annual number of elder abuse cases pending in the United States; and

(4) the results of intervention by the United States and its diplomatic and consular missions on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

SA 743. Mr. PORTMAN (for Mr. RUBIO) proposed an amendment to the bill H.R. 601, to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes; as follows:

(1) Federal Government efforts to monitor—
(A) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in other countries; and

(2) the total annual number of elder abuse cases pending in the United States; and

(3) the results of intervention by the United States and its diplomatic and consular missions on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

SA 744. Mr. PORTMAN (for Ms. MURKOWSKI (for herself and Ms. CANTWELL)) proposed an amendment to the bill H.R. 339, to amend Public Law 94-241 with respect to the Northern Mariana Islands.

SA 745. Mr. PORTMAN (for Mr. ISAKSON (for himself, Mr. BLUMENTHAL, Mr. TESTER, Mrs. MURRAY, Mr. HELLEW, Ms. HASSAN, Mr. NELSON, Mr. KING, Mr. DURBIN, Mr. UDALL, Mr. HAZZARD, Mr. DONELLY, Mrs. MCCASKILL, and Mr. BROWN) proposed an amendment to the bill H.R. 2288, to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Veterans Appeals Improvement and Modernization Act of 2017’’.

SEC. 2. REFORM OF RIGHTS AND PROCESSES RELATING TO APPEALS OF DECISIONS REGARDING CLAIMS FOR BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) DEFINITIONS.—Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraphs:

‘‘(54) The term ‘agency’ means the original jurisdictional authority—

(55) The term ‘relevant evidence’ means evidence that tends to prove or disprove a matter in issue.

(56) The term ‘supplemental claim’ means a claim for benefits under laws administered by the Secretary filed by a claimant who had previously filed a claim for the same or similar benefits on the same or similar basis.

(b) NOTICE REGARDING CLAIMS.—Section 5103(a) of such title is amended—

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

‘‘(3) The requirement to provide notice under paragraph (1) shall not apply with respect to a supplemental claim that is filed within the timeframe set forth in subparagraphs (B) and (D) of section 5101(a)(2) of this title;’’.

(c) MODIFICATION OF RULE REGARDING DISALLOWED CLAIMS.—Section 5103(a) of such title is amended—

(1) by redesignating subsections (e) through (g) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsections:

‘‘(e) APPLICABILITY OF DUTY TO ASSIST CLAIMANTS.—Section 5103(a) of such title is amended—

(1) by redesignating subsections (e) through (g) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (d) the following new subsections:

(1) Correction of Duty to Assist Error.—If, during review of the agency of original jurisdiction decision under section 5101 of this title, the higher-level adjudicator identifies or learns of an error on the record of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original
jurisdiction decision being reviewed, unless the Secretary may award the maximum ben-
efit in accordance with this title based on the evidence of record, the higher-level ad-
judicator shall retain the claim for correction of such error and readjudication.

"(2)(A) If the Board of Veterans’ Appeals, during review on appeal of an agency of original jurisdiction decision, identifies or learns of an error on the part of the agency of original jurisdiction to satisfy its duties under this section, and that error occurred prior to the agency of original jurisdiction decision on appeal, unless the Secretary may award the maximum benefit in accordance with this title based on the evidence of record, the higher-level adjudicator within the agency of original jurisdiction for correction of such error and readjudication.

"(B) Remand for correction of such error may include directing the agency of original jurisdiction to obtain an advisory medical opinion under section 5109 of this title.

"(3) Nothing in this subsection shall be construed to imply that the Secretary, dur-
ing the consideration of a claim, does not have a duty to correct an error described in paragraph (1) or (2) that was erroneously not identified in higher-level review or during review on appeal with respect to the claim.

"(e) DECISIONS AND NOTICES OF DECISIONS.—Subsection (b) of section 5104 of such title is amended to read as follows:

"(B) Nothing in this subsection shall be predicated upon a finding that new and relevant evidence has been presented or secured.

"(g) HIGHER-LEVEL REVIEW BY AGENCY OF ORIGINAL JURISDICTION.—(1) IN GENERAL.—Chapter 51 of such title is further amended by inserting after the item relating to section 5108 of such title, the following new item:

"§ 5108. Supplemental claims.

"(a) IN GENERAL.—If new and relevant evi-
dence is presented or secured with respect to a supplemental claim, the Secretary shall re-

adjudicate the claim taking into consid-
eration all of the evidence of record.

"(b) DUTY TO ASSIST.—If a claimant, in connection with a supplemental claim, reason-
able identifies existing records, whether
customary to grant service connection, or the next higher level of compensa-

"tion a policy for claimants who—

"(k) RESTATEMENT OF REQUIREMENT FOR EX-
"AMINATION OF VETERAN.—Chapter 51 of such title is further amended by inserting the fol-

lowing new section:

"§ 5104C. Options following decision by agency of original jurisdiction.

"(a) IN GENERAL.—If new and relevant evi-
dence is presented or secured with respect to a supplemental claim, the Secretary shall re-

adjudicate the claim taking into consid-
eration all of the evidence of record.

"(b) DUTY TO ASSIST.—If a claimant, in connection with a supplemental claim, reason-
able identifies existing records, whether
customary to grant service connection, or the next higher level of compensa-

"tion a policy for claimants who—

"(k) RESTATEMENT OF REQUIREMENT FOR EX-
"AMINATION OF VETERAN.—Chapter 51 of such title is further amended by inserting the fol-

lowing new section:

"§ 5104C. Options following decision by agency of original jurisdiction.

"(a) IN GENERAL.—If new and relevant evi-
dence is presented or secured with respect to a supplemental claim, the Secretary shall re-

adjudicate the claim taking into consid-
eration all of the evidence of record.

"(b) DUTY TO ASSIST.—If a claimant, in connection with a supplemental claim, reason-
able identifies existing records, whether
customary to grant service connection, or the next higher level of compensa-

"tion a policy for claimants who—

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"AMINATION OF VETERAN.—Chapter 51 of such title is further amended by inserting the fol-

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adjudicate the claim taking into consid-
eration all of the evidence of record.

"(b) DUTY TO ASSIST.—If a claimant, in connection with a supplemental claim, reason-
able identifies existing records, whether
customary to grant service connection, or the next higher level of compensa-

"tion a policy for claimants who—

"(k) RESTATEMENT OF REQUIREMENT FOR EX-
"AMINATION OF VETERAN.—Chapter 51 of such title is further amended by inserting the fol-

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"§ 5104C. Options following decision by agency of original jurisdiction.

"(a) IN GENERAL.—If new and relevant evi-
dence is presented or secured with respect to a supplemental claim, the Secretary shall re-

adjudicate the claim taking into consid-
eration all of the evidence of record.

"(b) DUTY TO ASSIST.—If a claimant, in connection with a supplemental claim, reason-
able identifies existing records, whether
customary to grant service connection, or the next higher level of compensa-

"tion a policy for claimants who—

"(k) RESTATEMENT OF REQUIREMENT FOR EX-
"AMINATION OF VETERAN.—Chapter 51 of such title is further amended by inserting the fol-

lowing new section:

"§ 5104C. Options following decision by agency of original jurisdiction.

"(a) IN GENERAL.—If new and relevant evi-
dence is presented or secured with respect to a supplemental claim, the Secretary shall re-

adjudicate the claim taking into consid-
eration all of the evidence of record.

"(b) DUTY TO ASSIST.—If a claimant, in connection with a supplemental claim, reason-
able identifies existing records, whether
customary to grant service connection, or the next higher level of compensa-

"tion a policy for claimants who—

"(k) RESTATEMENT OF REQUIREMENT FOR EX-
"AMINATION OF VETERAN.—Chapter 51 of such title is further amended by inserting the fol-

lowing new section:

"§ 5104C. Options following decision by agency of original jurisdiction.
§5109B. Expedited treatment of returned and remanded claims

"The Secretary shall take such actions as may be necessary to provide for the expedited treatment by the Veterans Benefits Administration of any claim that is returned by a higher-level adjudicator under section 5104B of this title or remanded by the Board of Veterans' Appeals under section 7105 of this title."
that may include a hearing, in which a hear-
ing is requested in the notice of disagree-
ment, the Board shall notify the appellant
whether a Board hearing will be held—

(A) at its principal location; or

(B) by picture and voice transmission at a
facility of the Department where the Sec-
retary has provided suitable facilities and
equipment to conduct such hearings.

(2)(A) Upon notification of a Board hear-
ing at the Board’s principal location as de-
scribed in subparagraph (A) of paragraph (1),
the appellant may alternatively request a
hearing as described in subparagraph (B) of
such paragraph. If so requested, the Board
shall grant such request.

(B) By redesignating paragraph of a Board
hearing by picture and voice transmission as de-
scribed in subparagraph (B) of paragraph (1),
the appellant may alternatively request a
hearing as described in subparagraph (A) of
such paragraph. If so requested, the Board
shall grant such request.

(4) SCREENING OF CASES.—Nothing in this
section shall be construed to preclude the
screening of cases for purposes of

(A) determining the adequacy of the record
for decisional purposes; or

(B) a general statement—

(1) of the Secretary shall publish in the Federal
Register a plan for phased implementation begin-
ing and with a request for additional
appeals system.

(2) PHASED ROLLOUT.—The Secretary may begin
implementation of the new appeals system
in phases, with the first phase of such
phased implementation beginning on the
applicability date set forth in paragraph (1).

(5) TREATMENT OF LEGACY CLAIMS.—With respect
to cases pending on the issuance to a claimant of a statement of the case or
supplemental statement of the case occur-
ing on or after the applicability date speci-
ed in paragraph (1), the Secretary shall elect to participate in the new appeals system.

(6) PUBLICATION OF APPlicABILITY DATE.—
Not later than the date on which the new ap-
peals system goes into effect under paragraph (4), as the case may be,
the Secretary shall publish in the Federal
Register a plan for phased implementation beginning and with a request for additional
appeals system.

(7) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CON-
gress.—The term ‘‘appropriate committees of Congress’’ means

(i) the Committee on Veterans’ Affairs and

(ii) the Committee on Appropriations of the Senate;

(B) VETERANS SERVICE ORGANIZATION.—The term ‘‘veterans service organization’’ means any organization recognized by the Sec-
retary for the representation of veterans under section 5802 of title 38, United States
Code;

(C) RULE OF CONSTRUCTION.—Nothing in this
section or any of the amendments made by
this section shall be construed to limit
the ability of a claimant to request a revi-
sion of a decision under section 5109A or 7111 of
title 38, United States Code.

SEC. 3. COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY APPEALS AND IMPLEMENTING NEW APPEALS SYSTEM.

(a) PLAN REQUIRED.—Not later than 90 days
after the date of the enactment of this Act,
the Secretary of Veterans Affairs shall sub-
mit to the appropriate committees of Con-
gress and the Comptroller General of the
United States a comprehensive plan for—

(1) the processing of appeals on legacy claims that the Secretary considers
pending;

(2) implementing the new appeals system;

(3) timely processing, under the new ap-
peals system, of

(A) supplemental claims under section 5108 of
title 38, United States Code, as amended
by section 2(t);

(B) requests for higher-level review under
section 5109B of such title, as added by
section 2(g); and

(C) appeals on any docket maintained
under section 7107 of such title, as amended
by section 2(t)

(4) monitoring the implementation of the
new appeals system, including metrics and
goals—

(A) to track the progress of the implemen-
tation;

(B) to evaluate the efficiency and effective-
ness of the implementation; and

(C) to identify potential issues relating to
the implementation.

(b) ELEMENTS.—The plan required by sub-
section (a) shall include, at a minimum, the
following:

(1) Delimitation of the total resource re-
quirements of the Veterans Benefits Admin-
istration and the Board of Veterans’ Appeals,
disaggregated by resources required to implement and administer the new appeals system and resources required to address the appeals of decisions on legacy claims.

(1) The personnel requirements of the Administration and the Board, including staffing levels during the

(A) period in which the Administration and the Board are concurrently processing—

(i) appeals of decisions on legacy claims; and

(ii) appeals of decisions on non-legacy claims under the new appeals system; and

(B) period during which the Administration and the Board are no longer processing any appeals of decisions on legacy claims.

(2) Identification of the legal authorities under which the Administration and the Board may—

(A) hire additional employees to conduct the concurrent processing described in paragraph (2)(A); and

(B) remove employees who are no longer required by the Administration or the Board once the Administration and the Board have no longer processing any appeals of decisions on legacy claims.

(3) An estimate of the amount of time the Administration and the Board will require to hire additional employees as described in paragraph (2)(A) and for any training that may be required to carry out the new appeals system, including the expected level of new employees and the enhanced notice requirements under section 5104(b) of title 38, United States Code, as amended by section 2(e).

(4) An outline of the outreach the Secretary expects to conduct to inform veterans, dependents of veterans, veterans service organizations, military service organizations, congressional caseworkers, advocates for veterans, and other stakeholders as the Secretary considers appropriate about the new appeals system, including—

(A) a description of the resources required to conduct such outreach; and

(B) timelines for conducting such outreach.

(5) Timelines for updating any policy manuals, Internet websites, and official forms that may be necessary to carry out the new appeals system, including—

(A) identification of which offices and entities will be involved in such outreach; and

(B) historical information about how long similar update efforts have taken.

(6) A timeline, including interim milestones, for promulgating such regulations as may be necessary to carry out the new appeals system and a comparison with historical similar update efforts.

(7) An outline of the circumstances under which claimants with pending appeals of decisions on legacy claims would be authorized to have their appeals reviewed under the new appeals system.

(8) A delineation of the key goals and milestones for reducing the number of pending appeals that are not processed under the new appeals system, including the expected number of cases pending and hearing requests at the Administration and the Board each year, beginning with the one year period beginning on the date of the enactment of this Division, and the number of any appeals pending before the Administration or the Board for a decision on a legacy claim.

(9) A description of each risk factor associated with each element of the plan and a contingency plan to minimize each such risk.

(b) REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) In general.—Not later than 90 days after the Comptroller General of the United States receives the plan required by subsection (a), the Comptroller General shall—

(A) assess such plan; and

(B) notify the appropriate committees of Congress of the findings of the Comptroller General pursuant to subsection (c)(2)(C).

(2) E LEMENTS.—The assessment conducted under paragraph (1) includes—

(A) the plan required by subsection (a); and

(B) the periodic progress reports required by subsection (c).

SECTION 4. PROGRAMS TO TEST ASSUMPTIONS REQUIRED IN DEVELOPMENT OF COMPREHENSIVE PLAN FOR PROCESSING OF LEGACY CLAIMS AND SUPPORTING NEW APPEALS SYSTEM.

(a) AUTHORIZATION.—

(1) In general.—The Secretary of Veterans Affairs may carry out such programs as the Secretary considers appropriate to test any assumptions relied upon in developing the comprehensive plan required by section 3(a) and to test any assumption about the feasibility of any facet of the new appeals system.

(2) REPORTING REQUIRED.—Whenever the Secretary determines, based on the conduct of a program under paragraph (1), that legislative changes to the new appeals system are necessary, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Appropriations of the House of Representatives notice of such determination.

(b) DEPARTMENT OF VETERANS AFFAIRS PROGRAM ON FULLY DEVELOPED APPEALS.—

(1) In general.—The Secretary of Veterans Affairs may, under subsection (a)(1), carry out a program to provide an alternative appeals process that shall more quickly determine such appeals in accordance with this subsection.

(2) PROGRAM.—

(A) FILING.—In accordance with subparagraph (B), a claimant may elect to file a fully developed appeal under the program by filing with the Secretary the following:—

(i) The notice of disagreement under chapter 71 of title 38, United States Code, along with the written election of the claimant to have the appeal determined under the program.

(ii) All evidence that the claimant believes is needed for the appeal as of the date of the filing.

(B) TIMING.—A claimant shall make an election under subparagraph (A) as part of the notice of disagreement filed by the claimant in accordance with subparagraph (A)(i).

(C) TRIAGE.—The Secretary shall, upon expiration of the period specified in paragraph (3)(C)(iii), ensure that an assessment is undertaken of whether an appeal filed under this paragraph (A) of this subparagraph satisfies the requirements for appeal under the program and provide appropriate notification to
the claimant of the results of that assessment.

(D) REVERSION.—

(i) ELECTED REVERSION.—At any time, a claimant may request a hearing in a fully developed appeal under subparagraph (A) may elect to revert to the standard appeals process. Such a reversion shall be final.

(ii) AUTOMATIC REVERSION.—A claimant described in clause (i), or a claimant who makes an election under subparagraph (A) but is later determined to be ineligible for the program under paragraph (1), shall revert to the standard appeals process without any penalty to the claimant other than the loss of the docket number associated with the fully developed appeal.

(E) OUTREACH.—In providing claimants with notices of the determination of a claim during the period in which the program under paragraph (1) is carried out, the Secretary shall conduct outreach as follows:

(i) The Secretary shall provide to the claimant (and to the representative of record of the claimant, if any) information regarding—

(I) the program, including the advantages and disadvantages of the program;

(II) how to make an election under subparagraph (A); and

(III) the limitation on the use of new evidence described in subparagraph (C) of paragraph (1) shall be final.

(ii) At any time, a claimant may request a hearing in a fully developed appeal under subparagraph (A) and transfer jurisdiction over the fully developed appeal directly to the Board.

(F) HEARINGS.—Notwithstanding subsection 7107 of title 38, United States Code, the Secretary may not provide hearings with respect to fully developed appeals under the program unless the claimant requests a hearing pursuant to such section 7107, such request is made in writing, and the Secretary determines that such adjustment is fair for both standard appeals and fully developed appeals.

(G) The total number of remands to obtain advisory medical opinions under section 101 of title 38, United States Code.

(H) The average duration for processing re- requests for higher-level review under section 5104B of such title, as added by section 2(g), that are pending.

(I) The average number of days that appeals are pending on a docket of the Board of Veterans Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), that are pending.

(J) The average duration for processing claims, and (ii) requests for higher-level review under section 5104B of such title, as added by section 2(g), that are pending.

(K) The average number of days that appeals are pending on a docket of the Board of Veterans Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), that are pending.

(L) The average duration for processing claims, and (ii) requests for higher-level review under section 5104B of such title, as added by section 2(g), that are pending.

(M) The average number of days that appeals are pending on a docket of the Board of Veterans Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), that are pending.

(N) The average number of days that appeals are pending on a docket of the Board of Veterans Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), that are pending.

(O) The average number of days that appeals are pending on a docket of the Board of Veterans Appeals maintained pursuant to section 7107 of such title, as amended by section 2(t), that are pending.

(P) With respect to the policy developed and implemented under section 7107(e) of such title, as amended by section 2(t)—

(i) the number of cases moved from one docket to another pursuant to such policy; and

(ii) the average time cased were pending prior to moving from one docket to another; and

(iii) the average time to adjudicate the cases that are moved.

(Q) The total number of remands to obtain advisory medical opinions under section...
duty to assist under section 5103A of title 38, United States Code, that were identified by higher-level review and by the Board, disregarded by type of error, such as errors relating to medical or other relevant exams, and a comparison with errors committed by the Secretary in carrying out such duty with respect to appeals of decisions on legacy claims.

(V) An assessment of the productivity of employees at the regional offices and at the Board, disregarded by level of experience of the employees.

(VI) The average number of days the duration of an appeal is extended because the claimant is waiting for the Secretary to take an action and periods in which the claimant is waiting for the Secretariat to assist under section 5103A of title 38, United States Code, or the claimant is taking such action pro se.

(L) The total number of times on average each claimant files under section 510(a)(2) of such title, as so added, to protect their effective date under section 510(a)(2) of such title, as so added—

(i) of claims under the new appeals system, excluding legacy claims that opt in to the new appeals system;

(ii) of legacy claims that opt in to the new appeals system.

(N) How frequently an action taken within one year to protect an effective date under section 510(a)(2) of such title, as so added, leads to additional grant of benefits, disregarded by action taken.

(O) The average of how long it takes to complete each segment of the claims process while claimants are protecting the effective date under such section, disregarded by the subparagraph of such section under which they were pending before opting in to the new appeals system attributable to appeals of decisions on legacy claims.

(P) The average amount of retroactive awards of benefits from the Secretary as a result of protected effective dates under such section, disregarded by action taken.

(Q) The average number of times claimants submit to the Secretary different claims with respect to the same condition, such as an initial claim and a supplemental claim.

(R) The number of cases each year in which a claimant inappropriately tried to take simultaneous actions, such as filing a supplemental claim while a higher-level review is pending, what actions the Secretary took in response, and how long it took on average to take those actions.

(S) In the case that the Secretary develops and implements a policy under section 5104C(a)(2)(D) of such title, as so amended, by section 2(h)(1), the number of actions withdrawn, and new actions taken pursuant to such policy.

(T) The number of times the Secretary received evidence relating to an appeal or higher-level review, a time not authorized under the new appeals system, disregarded by actions taken by the Secretary to deal with the evidence and how long on average it took to do so.

(U) The number of errors committed by the Secretariat in carrying out the Secretary’s
ORDER OF BUSINESS

Mr. PORTMAN. Mr. President, we have some work to do this evening.

POWER AND SECURITY SYSTEMS (PASS) ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 95, S. 190.

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

The legislation may be clerked as follows:

A bill (S. 190) to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarm or surveillance systems, and for other purposes.

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

The bill (S. 190) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 190

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 “Power And Security Systems (PASS) Act”.

SEC. 2. EXTENSION OF NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARD TO CERTAIN SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEMS.


(1) by striking “July 1, 2017,” and inserting “2017”;

(2) by striking “2017” and inserting “2023”;

(b) Section 325(u)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)(E)) is amended—

(1) in clause (i), by striking “July 1, 2017,” and inserting the effective date of the amendment under subparagraph (D)(ii); and

(2) by adding at the end the following:

“(IV) TREATMENT IN RULE.—In the rule under subparagraph (D)(ii) and subsequent amendments the Secretary may treat some or all external power supplies designed to be connected to a security or life safety alarm or surveillance system as a separate product class or may extend the nonapplication under clause (ii).”

ELDER ABUSE PREVENTION AND PROSECUTION ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 23, S. 178.

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

The legislative clerk read as follows:

A bill (S. 178) to prevent elder abuse and exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases.

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

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Grassley amendment at the desk be considered agreed to, and the bill, as amended, be considered read a third time.

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

The amendment (No. 742) was agreed to, as follows:

(Purpose: To improve the bill)

On page 12, line 3, strike “individual” and insert “individually”.

Beginning on page 23, strike line 15 and all that follows through page 24, line 15 and insert the following:

(1) Federal Government efforts to monitor—

(A) the exploitation of older adults of the United States in global drug trafficking schemes and other international criminal enterprises;

(B) the extent to which exploitation of older adults of the United States by international criminal enterprises has resulted in the incarceration of these citizens of the United States in foreign countries; and

(C) the total annual number of elder abuse cases pending in the United States; and

(2) the results of intervention by the United States with foreign officials on behalf of citizens of the United States who are elder abuse victims in international criminal enterprises.

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

Mr. PORTMAN. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

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

The bill (S. 178), as amended, was passed, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Elder Abuse Prevention and Prosecution Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE
Sec. 101. Supporting Federal cases involving elder justice.
TITLE II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION
Sec. 201. Establishment of best practices for local, State, and Federal data collection.
TITLE III—ENHANCED FEDERAL ASSISTANCE TO ELDER ABUSE SURVIVORS
Sec. 301. Sense of the Senate.
Sec. 302. Report.
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TITLE IV—ROBERT MATAVA ELDER ABUSE PROSECUTION ACT OF 2017

SEC. 401. Short title.

SEC. 402. Enhanced penalty for tele­marketing and email marketing fraud directed at elders.

SEC. 403. Training and technical assistance for States.

SEC. 404. Interstate initiatives.

TITLE V—MISCELLANEOUS

Sec. 501. Court-appointed guardianship oversight activities relating to elder abuse; and execution of, elder abuse cases;

SEC. 505. Best practices and model legislation for guardianship proceedings.

SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “abuse”, “adult protective services”, “elder”, “elder justice”, “exploitation”, “law enforcement”, and “neglect” have the meanings given to those terms in section 401 of the Social Security Act (42 U.S.C. 1397);

(2) the term “elder abuse” includes abuse, neglect, and exploitation of an elder;

(3) the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

TITLE I—SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE

SEC. 101. SUPPORTING FEDERAL CASES INVOLVING ELDER JUSTICE.

(a) SUPPORT AND ASSISTANCE.—The Attorney General shall designate in each Federal judicial district not less than one Assistant United States Attorney to serve as the Elder Justice Coordinator for the district, who, in addition to any other responsibilities, shall—

(A) serve as a legal counsel for the Federal judicial district on matters relating to elder abuse;

(B) prosecute, or assisting in the prosecution of, elder abuse cases;

(C) conduct public outreach and awareness activities relating to elder abuse; and

(D) perform such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, elder abuse.

(b) DEPARTMENT OF JUSTICE ELDER JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall designate an Elder Justice Coordinator who, in addition to any other responsibilities, shall be responsible for—

(1) coordinating and supporting the law enforcement and policy activities of the Department of Justice for elder abuse issues; and

(2) evaluating training models to determine best practices and creating or compiling and making publicly available replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with elder abuse regarding how to—

(A) conduct investigations in elder abuse cases;

(B) address evidentiary issues and other legal issues; and

(C) appropriately assess, respond to, and interact with victims and witnesses in elder abuse cases, including in administrative, civil, and criminal judicial proceedings; and

(c) FEDERAL TRADE COMMISSION ELDER JUSTICE COORDINATOR.—The Chairman of the Federal Trade Commission shall designate an Elder Justice Coordinator who—

(1) coordinate and support the enforcement and consumer education efforts and policy activities of the Federal Trade Commission on elder justice issues; and

(2) provide technical assistance to State, local, and tribal governments in adopting best practices established under subsection (a)(2).

Sec. 202. EFFECTIVE INTERAGENCY COORDINATION AND FEDERAL DATA COLLECTION.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services shall, on an annual basis—

(1) collect from Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices statistical data related to elder abuse cases, including cases or investigations where one or more victims were elders, or the case or investigation involved a financial scheme or scam that was either targeted directly toward or largely affected elders; and

(2) publish on the website of the Department of Justice in a publicly accessible manner—

(A) a summary of the data collected under paragraph (1); and

(B) recommendations for collecting additional data relating to elder abuse, including recommendations for ways to improve data reporting across Federal, State, and local agencies.

(b) REQUIREMENT.—The data collected under subsection (a)(1) shall include—

(1) the total number of investigations initiated by Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices related to elder abuse; and

(2) the total number and types of elder abuse cases filed in Federal court;

(c) DATA COLLECTION.—The data collected under subsection (a)(1) shall include—

(1) the name of the district where the case originated;

(2) the style of the case, including the case name and number;

(3) a description of the act or acts giving rise to the elder abuse;

(4) the outcome of the case;

(5) the name and number of each alleged perpetrator of the elder abuse; and

(6) the name and number of each alleged victim of the elder abuse.

(d) USE OF APPROPRIATED FUNDS.—No additional funds are authorized to be appropriated to carry out this section.

TITLE II—IMPROVED DATA COLLECTION AND FEDERAL COORDINATION

SEC. 201. ESTABLISHMENT OF BEST PRACTICES FOR LOCAL, STATE, AND FEDERAL DATA COLLECTION.

(a) IN GENERAL.—The Attorney General, in consultation with Federal, State, and local law enforcement agencies, shall—

(1) establish best practices for data collection to focus on elder abuse; and

(2) provide technical assistance to State, local, and tribal governments in adopting the best practices established under paragraph (1).

(b) DEADLINE.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall publish the best practices established under subsection (a)(1) on the website of the Department of Justice in a publicly accessible manner.

(c) LIMITATIONS.—Nothing in this section shall be construed to require or obligate compliance with the best practices established under subsection (a)(1).

SEC. 202. EFFECTIVE INTERAGENCY COORDINATION AND FEDERAL DATA COLLECTION.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services shall, on an annual basis—

(1) collect from Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices statistical data related to elder abuse cases, including cases or investigations where one or more victims were elders, or the case or investigation involved a financial scheme or scam that was either targeted directly toward or largely affected elders; and

(2) publish on the website of the Department of Justice in a publicly accessible manner—

(A) a summary of the data collected under paragraph (1); and

(B) recommendations for collecting additional data relating to elder abuse, including recommendations for ways to improve data reporting across Federal, State, and local agencies.

(b) REQUIREMENT.—The data collected under subsection (a)(1) shall include—

(1) the total number of investigations initiated by Federal law enforcement agencies, other agencies as appropriate, and Federal prosecutors’ offices related to elder abuse; and

(2) the total number and types of elder abuse cases filed in Federal court;

(3) for each case described in paragraph—

(A) the name of the district where the case originated;

(B) the style of the case, including the case name and number;

(C) a description of the act or acts giving rise to the elder abuse;

(D) in the case of a scheme or scam, a description of such scheme or scam giving rise to the elder abuse; and

(F) the outcome of the case.

(c) HHS REQUIREMENT.—The Secretary of Health and Human Services shall, on an annual basis, provide to the Attorney General statistical data collected by the Secretary relating to elder abuse cases investigated by multidisciplinary service providers that shall be included in the summary published under subsection (a)(2).
TITLE V—ENHANCED VICTIM ASSISTANCE TO ELDER ABUSE SURVIVORS

SEC. 301.SENSE OF THE SENATE.
(a) FINDINGS.—The Senate finds the following:
(1) The vast majority of cases of abuse, neglect, and exploitation of older adults in the United States go unidentified and unreported.
(2) Not less than $2,900,000,000 is taken from older adults each year due to financial abuse and exploitation.
(3) Elder abuse, neglect, and exploitation have harmful and far-reaching consequences for the victims and their loved ones; and
(4) Older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that—
(1) elder abuse involves the exploitation of potentially vulnerable individuals with devastating physical, mental, emotional, and financial consequences for the victims and their loved ones;
(2) to combat this affront to America’s older adults, we must do everything possible to better protect victims of elder abuse and prevent the abuse from occurring in the first place; and
(3) the Senate supports a multi-pronged approach to prevent elder abuse and exploitation, protect the victims of elder abuse and exploitation from further harm, and bring the perpetrators of such crimes to justice.

SEC. 302.REPORT.
(a) IN GENERAL.—The Attorney General, in consultation with the Secretaries of Health and Human Services and the Department of Justice, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1994 (42 U.S.C. 3796 et seq.) for victims of crime who are elders.
(b) CONTENTS.—The report required under subsection (a) shall include—
(1) an analysis of victims’ assistance, victims’ compensation, and discretionary grants under which elder abuse victims (including elder victims of financial abuse, financial exploitation, and fraud) received assistance; and
(2) recommendations for improving services for victims of elder abuse.

SEC. 303. SENSE OF THE SENATE.
(a) IN GENERAL.—Not later than 1 year after the date on which the collection of statistical data under section 202(a)(1) begins and once each year thereafter, the Director of the Office for Victims of Crime shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that addresses, to the extent data are available, the nature, extent, and amount of funding under the Victims of Crime Act of 1994 (42 U.S.C. 3796 et seq.) for victims of crime who are elders.
(b) CONTENTS.—The report required under subsection (a) shall include—
(1) in the matter preceding subparagraph (A), by striking “or 1344” and inserting “1994, or 1947 or section 1122(b) of the Social Security Act (42 U.S.C. 1320a-7b)”; and
(2) by inserting “or email marketing” after “telemarketing” and—
(3) by adding at the end the following:

“§ 2328. Mandatory forfeiture

(a) IN GENERAL.—The court, in imposing sentence on a person who is convicted of any offense for which an enhanced penalty is provided under section 2326, shall order that the defendant forfeit to the United States—
(1) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and
(2) any equipment, software, or other technology used or intended to be used to commit or facilitate the commission of such offense.
(b) PROCEDURES.—The procedures set forth in section 2326(a) of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.”.
(c) TECHNICAL AND CONFORMING AMENDMENTS.—
(1) The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the title relating to chapter 113A and inserting the following:

“113A. ‘Telemarketing and email marketing fraud’ 2326.

(2) The table of sections for chapter 113A of title 18, United States Code, is amended by inserting after the title relating to section 2327 the following:

“2328. Mandatory forfeiture.”.

SEC. 304. TRAINING AND TECHNICAL ASSISTANCE FOR SENATE.
The Attorney General, in consultation with the Secretary of Health and Human Services and in coordination with the Elder Justice Coordinating Council (established under section 2021 of the Social Security Act (42 U.S.C. 1397k)), shall create, compile, evaluate, disseminate materials and information, and provide the necessary training and technical assistance, to assist States and units of local government in—
(1) investigating, identifying, preventing, understanding, and mitigating the impact of elder abuse involving—
(A) physical, sexual, and psychological abuse of elders;
(B) exploitation of elders, including financial abuse and scams targeting elders; and
(C) neglect of elders; and
(2) assessing, addressing, and mitigating the physical and psychological trauma to victims of elder abuse.

SEC. 401. INTERSTATE INITIATIVES.
(a) INTERSTATE AGREEMENTS AND COMPACTS.—The consent of Congress is given to any two or more States (acting through State agencies with jurisdiction over adult protective services) to enter into agreements or compacts for cooperative effort and mutual assistance—
(1) in promoting the safety and well-being of elders; and
(2) in enforcing their respective laws and policies to promote such safety and well-being.
(b) RECOMMENDATIONS ON INTERSTATE COMPACTS.—The head of the Executive Office of the State Justice Institute, in consultation with State or local adult protective services, aging, social, and human services and law enforcement agencies, nationally recognized nonprofit associations with expertise in data sharing among criminal justice agencies and familiarity with the issues raised in elder abuse cases, and the Secretary of Health and Human Services, shall submit to Congress legislative proposals relating to the facilitation of interstate agreements and compacts.

TITLE V—MISCELLANEOUS

Section 2042(c) of the Social Security Act (42 U.S.C. 1397f–1(c)) is amended—
(1) in paragraph (1), by inserting “(and, in the case of demonstration programs described in paragraph (2)(E), to the highest courts of States)” after “States”; and
(2) paragraph (2)—
(A) in the matter preceding subparagraph (A), by inserting “(and the highest courts of States, in the case of demonstration programs described in such paragraph (E))” after “local units of government”;
(B) in subparagraph (D), by striking “or” after the semicolon;
(C) by redesignating subparagraph (E) as subparagraph (F); and
(D) by inserting after subparagraph (D), the following new subparagraph:

“(E) subject to paragraphs (1) and (2) of section 2042(c), any demonstration projects or programs to assess the fairness, effectiveness, timeliness, safety, integrity, and accessibility of adult guardianship and conservatorship proceedings, including the appointment and the monitoring of the performance of court-appointed guardians and conservators, and to implement changes deemed necessary as a result of the assessments such as mandating background checks for all potential guardians and conservators, and implementing systems to enable the annual accountings and other required conservatorship and guardianship filings to be completed, filed, and reviewed electronically in order to simplify the filing process for conservators and guardians and better enable courts to identify discrepancies and detect fraud and the exploitation of protected persons; or;”;

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(d) PROHIBITION ON INDIVIDUAL DATA.—None of the information reported under this section shall include specific individually identifiable data.
(b) OTHER DEFINITIONS.—In this Act, the terms "basic education," "marginalized children and vulnerable groups", "national education plan", "partner country", and "relating to preventing elder abuse, elder guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse." Mr. PORTMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

REINFORCING EDUCATION ACCOUNTABILITY IN DEVELOPMENT ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 601.

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

Mr. PORTMAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 601.

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

SEC. 504. MODEL POWER OF ATTORNEY LEGISLATION.
The Attorney General shall publish model power of attorney legislation for the purpose of improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

The Attorney General shall publish best practices for improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

Mr. PORTMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

REINFORCING EDUCATION ACCOUNTABILITY IN DEVELOPMENT ACT

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 601.

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

Mr. PORTMAN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 601.

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

SEC. 504. MODEL POWER OF ATTORNEY LEGISLATION.
The Attorney General shall publish model power of attorney legislation for the purpose of improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

The Attorney General shall publish best practices for improving guardianship proceedings and model legislation relating to guardianship proceedings for the purpose of preventing elder abuse.

Mr. PORTMAN. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.
participates in or benefits from basic education programs under this subsection pursuant to the prioritization criteria described in paragraph (4), including level of need, opportunity for impact, and the availability of resources.

“(H) RELEVANT EXECUTIVE BRANCH AGENCIES AND OFFICIALS.—The term ‘relevant Executive branch agencies and officials’ means the Department of State, the United States Agency for International Development, the Department of the Treasury, the Department of Labor, the Department of Agriculture, and the Department of Defense, the Chief Executive Officer of the Millennium Challenge Corporation, the National Security Advisor, and the Director of the Peace Corps.

“(I) SUSTAINABILITY.—The term ‘sustainability’ means, with respect to any basic education program that receives funding pursuant to this section, the ability of a service delivery system, community, partner, or beneficiary to maintain, over time, such basic education program without the use of foreign assistance.

“(2) POLICY.—In carrying out this section, it shall be the policy of the United States to work with partner countries, as appropriate, other countries, and international institutions, the private sector, and nongovernmental and civil society organizations, including faith-based organizations and organizations that represent teachers, students, parents, and partners, to promote sustainable, high quality basic education through programs and activities that:

“(A) take into consideration and help respond to the needs, capacities, and commitments of developing countries to achieve measurable improvements in literacy, numeracy, and other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

“(B) strengthen educational systems, promote communities of learning, as appropriate, expand access to safe learning environments, including by breaking down specific barriers to basic education for women and girls, and ensure continuity of education, including in conflict settings, measurable improvements in teacher skills and learning outcomes, and substantial completion of primary education of their children to help partner countries ensure that all children, including marginalized children and other vulnerable groups, have access to and benefit from quality basic education;

“(C) promote education as a foundation for sustained economic growth and development within the context of a pan-education strategy that places partner countries on a trajectory toward graduation from assistance provided under this section with clearly defined benchmarks that are used as requirements for related procurement vehicles, such as grants, contracts, and cooperative agreements;

“(D) monitor and evaluate the effectiveness and quality of basic education programs in partner countries.

“(3) PRINCIPLES.—In carrying out the policy required under subsection (2), the United States shall be guided by the following principles of aid effectiveness:

“(A) ALIGNMENT.—Assistance provided under this subsection shall be aligned with and advance United States foreign policy and economic interests.

“(B) IMPLEMENTATION.—To the greatest extent practicable, assistance provided under this section to support programs and activities under this subsection shall be aligned with and advance United States foreign policy and economic interests.

“(C) COORDINATION.—“(i) IN GENERAL.—Assistance provided under this section shall be aligned with and advance United States foreign policy and economic interests.

“(ii) MULTILATERAL PROGRAMS AND INITIATIVES.—Assistance provided under this section to support programs and activities under this subsection shall be coordinated with and support proven multilateral education programs and financing mechanisms, which may include the Global Partnership for Education, that demonstrate commitment to efficiency, effectiveness, transparency, and accountability.

“(D) EFFECTIVENESS.—The President shall seek to improve the efficiency and effectiveness of assistance provided under this section to support programs and activities under this subsection by coordinating the related efforts of relevant Executive branch agencies and officials.

“(E) EFFECTIVENESS.—Programs and activities supported under this subsection—

“(i) shall be consistent with the policies and principles set forth in this subsection;

“(ii) shall be designed to achieve specific, measurable goals and objectives that are directly related to the provision of basic education (as defined in this section); and

“(iii) shall include appropriate targets, metrics, and indicators that—

“(1) move a country along the path to graduation from assistance provided under this subsection;

“(2) can be applied with reasonable consistency across such programs and activities to measure progress and outcomes;

“(F) TRANSPARENCY AND ACCOUNTABILITY.—Programs and activities supported under this subsection shall subject to rigorous monitoring and evaluation, which may include impact evaluations, the results of which shall be made publicly available in a fully searchable, electronic format.

“(G) PRIORITY AND OTHER REQUIREMENTS.—The President shall ensure that assistance provided under this section to support programs and activities under this subsection is aligned with the foreign policy and economic interests of the United States, and, subject to such alignment, priority is given to developing countries in which—

“(A) there is the greatest need and opportunity to expand access to basic education and to improve learning outcomes, including for marginalized and vulnerable groups, particularly women and girls to ensure gender parity in basic education in populations affected by conflict or crisis; and

“(B) such assistance can produce a substantial, measurable impact on children and education systems in partner countries.

“SEC. 4. COMPREHENSIVE INTEGRATED UNITED STATES STRATEGY TO PROMOTE BASIC EDUCATION.

“(a) STRATEGY REQUIRED.—Not later than October 1, 2017, the President shall submit to the appropriate congressional committees a comprehensive strategy to be carried out during fiscal years 2018 through 2022 to promote quality basic education in partner countries, including the following:

“(i) seeking to equitably expand access to basic education for all children, particularly marginalized children and vulnerable groups; and

“(ii) measurably improving the quality of basic education and learning outcomes.

“(b) REQUIREMENT TO CONSULT.—In developing the strategy required under subsection (a), the President shall consult with—

“(1) the appropriate congressional committees;

“(2) relevant Executive branch agencies and officials;

“(3) partner country governments; and

“(4) local and international nongovernmental organizations, including faith-based organizations and organizations representing teachers, students, parents, and other development partners engaged in basic education assistance programs in developing countries.

“(c) PUBLIC COMMENT.—The President shall provide an opportunity for public comment on the strategy required under subsection (a).

“(d) ELEMENTS.—The strategy required under subsection (a)—

“(1) shall be developed and implemented consistent with the principles set forth in section (c) of the Foreign Assistance Act of 1961, as added by section 5; and

“(2) shall seek—

“(A) to prioritize assistance provided under this section to countries that are part of the United States strategy to be carried out during fiscal years 2017 through 2022 to promote quality basic education, as determined by indicators such as literacy and numeracy rates;

“(B) to build the capacity of relevant actors in partner countries, including in government and in civil society, to develop and implement national education strategies that measurably improve basic education;

“(C) to identify and replicate successful interventions that improve access to and quality of basic education in conflict settings and in partner countries;

“(D) to project general levels of resources needed to achieve stated program objectives;

“(E) to develop means to track implementation in partner countries and ensure that such countries are expanding appropriate domestic resources and instituting any relevant, regulatory, or fiscal reforms needed to achieve stated program objectives;

“(F) to leverage United States capabilities, including through technical assistance, training, and research; and

“(G) to improve coordination and reduce duplication among relevant Executive branch agencies and officials, other donors, multilateral institutions, nongovernmental organizations, and governments in partner countries.

“SEC. 5. IMPROVING COORDINATION AND OVERSIGHT.

“(a) SENIOR COORDINATOR OF UNITED STATES INTERNATIONAL BASIC EDUCATION ASSISTANCE.—There is established within the United States Agency for International Development a Senior Coordinator of United States International Basic Education Assistance (referred to in this section as the ‘Senior Coordinator’). The Senior Coordinator shall be appointed by the President, shall serve concurrently as the Senior Coordinator.

“(b) DUTIES.—The Senior Coordinator shall have primary responsibility for the oversight and coordination of all resources
and activities of the United States Government relating to the promotion of international basic education programs and activities.

(2) SPECIFIC DUTIES.—The Senior Coordinator shall—

(A) facilitate program and policy coordination of international basic education programs and or theurgent relevant Executive branch agencies and officials, partner governments, multilateral institutions, the private sector, and nongovernmental and civil society organizations;

(B) develop and revise the strategy required under section 4; and

(C) establish due diligence criteria for all recipients of funds provided by the United States to carry out activities under this Act and the amendments made by this Act.

(c) OFFSET.—In order to eliminate duplication of effort and activities and to offset any costs incurred by the United States Agency for International Development in appointing the Senior Coordinator under subsection (a), the President shall, after consulting with appropriate congressional committees, establish a position within the United States Agency for International Development (unless otherwise authorized or required by law) that the President determines to be necessary to fully offset such costs and eliminate duplication.

SEC. 6. MONITORING AND EVALUATION OF PROGRAMS

The President shall seek to ensure that programs carried out under the strategy required under section 4 shall—

(1) apply rigorous monitoring and evaluation methodologies to determine if programs and activities provided under this subsection accomplish measurable improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce;

(2) include methodology guidance in the implementation plan and support systemic data collection using internationally comparable indicators, norms, and methodologies, to the extent practicable and appropriate;

(3) disaggregate all data collected and reported by age, gender, marital status, disabilities, and location, to the extent practicable and appropriate;

(4) include funding for both short- and long-term monitoring and evaluation to enable the sustainability and scalability of assistance programs; and

(5) support the increased use and public availability of education data for improved decision making, program effectiveness, and monitoring of global progress.

SEC. 7. TRANSPARENCY AND REPORTING TO CONGRESS

(a) ANNUAL REPORT ON THE IMPLEMENTATION OF STRATEGY.—Not later than each March 31 immediately following a fiscal year during which the strategy developed pursuant to section 4(a) was carried out, the President shall—

(1) submit a report to the appropriate congressional committees that describes the implementation of such strategy; and

(2) make the report described in paragraph (1) available to the public.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) a description and activities of the United States Government relating to the promotion of international basic education programs and activities.

(2) a description of the extent to which each participating country selected to receive assistance for basic education meets the priority criteria specified in section 105(c) of the Foreign Assistance Act, as added by section 3; and

(3) a description of the progress achieved over the reporting period toward meeting the goals, objectives, benchmarks, and timeframes specified in the strategy developed pursuant to section 4 at the program level, as developed pursuant to monitoring and evaluation specified in section 6, with particular emphasis on whether there are demonstrable student improvements in literacy, numeracy, or other basic skills development that prepare an individual to be an active, productive member of society and the workforce.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Rubio amendment at the desk be agreed to, and the bill, as amended, be considered read a third time.

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

The committee-reported amendments were agreed to.

The amendment (No. 743) was agreed to, as follows:

(Purpose: To add provisions regarding the promotion of United States values and the reduction of childhood exposure to extremist ideologies)

On page 8, line 20, strike ""; and"" and insert a semicolon.

On page 8, line 22, strike the period at the end and insert "", and"".

On page 8, between lines 23 and 24, insert the following:

""(E) promote United States values, especially respect for all persons and freedoms of religion, speech, and the press."

On page 12, line 14, strike "", and"" and insert a semicolon.

On page 12, strike line 17 and insert ""educational systems; and"

On page 12, between lines 17 and 18, insert the following:

""(C) there is the greatest opportunity to reduce childhood exposure to or engagement in violent extremism or extremist ideologies."".

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. PORTMAN. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

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

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

The amendment (No. 744) was agreed to, as follows:

(Purpose: To permit the extension of 350 non-immigrant permits for workers in the Commonwealth of the Northern Mariana Islands)

On page 2, strike line 19, and all that follows through the end and insert the following:

""(B) by striking ""ending on December 31, 2019,"" and inserting ""ending on December 31, 2019, except that for fiscal year 2017 an additional 350 permits shall be made available for extension of existing permits, expiring after the date of enactment of the Northern Mariana Islands Economic Expansion Act through September 30, of which no fewer than 60 shall be reserved for healthcare practitioners and technical operations (as that term is defined by the Department of Labor as Standard Occupational Classification Group 29-0000 or any successor provision), and no fewer than 10 shall be reserved for plant and system operators (as that term is defined by the Department of Labor as Standard Occupational Classification Group 51-8000 or any successor provision)"

Mariana Islands Economic Expansion Act
A bill (H.R. 2210), as amended, was passed.

OFFICE OF SPECIAL COUNSEL REAUTHORIZATION ACT OF 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 93, S. 582.

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

The legislative clerk read as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the «Office of Special Counsel Reauthorization Act of 2017».

SEC. 2. ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.

Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subsection, is authorized to—

"(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

"(I) section 1213, 1214, 1215, or 1216 of this title; or

"(II) section 4324(a) of title 38;

"(ii) request from any agency the information that is otherwise required by law or Executive order to be kept classified and the Merit Systems Protection Board and the Civilian Service Councils and the Office of Special Counsel and the Inspector General of an 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;

"(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

"(I) section 1213, 1214, 1215, or 1216 of this title; or

"(II) section 4324(a) of title 38;

"(B)(i) 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 73.

"(ii) The Attorney General or the Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

"(I) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing, or

"(II) the material is being withheld and the reason that the material is being withheld.

"(C)(i) 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.

"(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

"(iii) With respect to any 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 for a purpose that is in furtherance of any authority provided to the Special Counsel in this subsection.

"(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs a report on or after the date of enactment of this Act on special counsel reauthorization status and activities.

SEC. 3. INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

"(c)(1) In this subsection—

"(A) the term 'new employee' means an individual—

"(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

"(ii) who has not previously served as an employee; and

"(B) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (b) or subparagraph (A)(i), (B), (C), or (D) of paragraph (b) of subsection (b).

"(2) The head of each agency shall be responsible for—

"(A) preventing prohibited personnel practices; and

"(B) complying with and enforcing applicable civil service laws, rules, and regulations, and other aspects of personnel management; and

"(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to the employee under this chapter and chapter 12, including—

"(i) information with respect to whistleblower protections available to new employees during a probationary period;

"(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

"(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or 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; and

"(III) Congress;

"(IV) another employee of the agency who is designated to receive 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 not later than 180 days after the date on which the new employee is appointed.

“(4) The head of each agency shall make available information regarding whistleblower protections available to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

“(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of such scope of delegation, be responsible for the activities described in paragraph (2).''.

(b) TRAINING FOR SUPERVISORS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ‘‘agency’’ means any entity the employees of which are covered by 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 ‘‘whistleblower protections’’ has the meaning given the term in section 2302(c)(1)(B) of title 5, United States Code, as amended by subsection (a).

(2) NON-COMPETING EMPLOYEES.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency (or, in the case of an agency that does not have an Inspector General, the senior ethics official of that agency), shall provide the training described in paragraph (3).

(3) TRAINING DESCRIBED.—The training described in this paragraph shall—

(A) 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

(B) be provided—

(i) to each employee of the agency who—

(I) is appointed to a supervisory position in the agency; and

(II) before the appointment described in subclause (I), 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.

(c) INFORMATION ON APPEAL RIGHTS.—

(1) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7531(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(A) the right of the employee to appeal an action brought under the applicable section; and

(B) the forums in which the employee may file an appeal described in subparagraph (A); and

(C) any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file an appeal.

(2) DEVELOPMENT OF INFORMATION.—The information described in paragraph (1) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Farm Credit System Insurance Corporation.

SEC. 4. ADDITIONAL WHISTLEBLOWER PROVISIONS.

(a) PROMOTION PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “interim employee” and inserting “interim employee that would apply because of the following:

(i) a violation of a law, rule, or regulation;

(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.

(B) After a disclosure described in subparagraph (A), a personnel action was taken with respect to the employee who made the disclosure.

(c) OFFICE OF SPECIAL COUNSEL REVIEW.—Upon receiving a referral under subsection (b)(1), the Special Counsel shall—

(1) examine whether a personnel action was taken with respect to an employee because of a disclosure described in subsection (b)(2)(A); and

(2) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

SEC. 5. PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.

(a) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—
(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and
(2) 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 establish criteria that—
"(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and
"(B) promote the protection of whistleblowers.

(2) The criteria required under paragraph (1) shall include—
"(A) requirements 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)(8); and
"(ii) take reasonable actions to resolve the disclosures described in clause (1); and
"(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in [subparagraph (A)] clause (i) to supervisory employees or other appropriate authorities; and
"(B) for each supervisory employee—
"(i) the number of instances in which the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and
"(ii) the number of instances in which the agency entered into an agreement described in clause (1), 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 to which the provisions of which are covered by paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this chapter is applicable to the entity; and
"(B) the term 'prohibited personnel practice' has the meaning given in section 2302(a)(1).

(4) In this subsection, the term 'supervisory employee' means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of that section; and
"(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8).

(b) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4313 of title 5, United States Code, is amended—
"(1) in paragraph (4), by striking "and" at the end of the paragraph and inserting at the end the following:
"(o) protecting whistleblowers, as described in section 4302(b)(2); and
"(c) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—
"(1) DEFINITIONS.—In this subsection, the terms agency' and 'whistleblower' have the meanings respectively of those terms in section 4302(b)(3) of title 5, United States Code, as amended by subsection (a).

(2) REQUIREMENTS.—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 Representa- tives, and each committee of Congress with jurisdiction over the agency a report that de-
tails—
"(A) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by subsection (a);
"(B) the reasons for the determinations described in subparagraph (A); and
"(C) each performance-based or corrective action taken by the agency in response to a determination described in clause (1), including—
"(i) T ECHNICAL AND CONFORMING AMEND-
MENT.—Section 4301 of title 5, United States Code, is amended by inserting after paragraph (1), by striking "For the purpose of" and inserting "Except as otherwise expressly provided, for the purpose of".

SEC. 7. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLE-
BLLOWERS.

(a) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding after the end of such subchapter the following:
"7515. Discipline of supervisors based on retaliation against whistleblowers.
"(1) DEFINITIONS.—In this section—
"(1) the term 'agency'—
"(A) has the meaning given the term in subsection (b) of section 7502, without regard to whether any other provision of this chapter is applicable to the entity; and
"(B) does not include any entity that is an entity under section 7503(b); and
"(2) the term 'prohibited personnel practice' means an action taken 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 were an entity under paragraph (1).

(b) PROPOSED DISCIPLINARY ACTIONS.—
"(1) IN GENERAL.—If the head of the agency in which the supervisor committed a prohibited personnel practice has determined that the supervisor committed a prohibited personnel practice, the head of the agency in which the supervisor committed the prohibited personnel practice shall propose suspending the supervisor for a period that is not less than 3 days; and
"(2) PROCEDURES.—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.

(c) REVIEW.—The Special Counsel shall conduct a review of the proposed action, and after the review, the Special Counsel shall—
"(1) determine whether—
"(i) the evidence furnished by the supervisor is sufficient to support the proposed action; and
"(ii) the action proposed under paragraph (A) or (B) of paragraph (1).
"(2) If the Special Counsel determines that the Special Counsel shall—
"(i) the same allegation, based on the same set of facts and circumstances that had previously been—
"(1) investigated by the individual; and
"(2) investigated by the Special Counsel;
and
"(ii) filed by the individual with the Merit Systems Protection Board;
and
"(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel practice for purposes of paragraph (1), the head of the agency may not delegate that responsibility.

(d) T ECHNICAL AND CONFORMING AMEND-
MENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:
"7515. Discipline of supervisors based on retaliation against whistleblowers.

SEC. 8. TERMINATION OF CERTAIN INVESTI-
GATIONS BY THE OFFICE OF SPECIAL COUNSEL.

Section 1214(a) of title 5, United States Code, is amended—
"(1) in paragraph (1)(D), in the first sentence, by inserting "or a termination of an investigation described in paragraph (5)(A)," after "investigation of a prohibited personnel practice", and
"(2) by adding at the end the following:
"(5)(A) [Not later] Notwithstanding any other provision of this section, not later than 30 days after receiving an allegation of a prohibited personnel practice, the Special Counsel may determine to terminate an investigation—
"(i) in support of that answer.
"(1) (aa) made by the individual; and
"(bb) investigated by the Special Counsel;
and
"(2) filed by the individual with the Merit Systems Protection Board;
and
"(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 on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel practice for purposes of paragraph (1), the head of the agency may not delegate that responsibility.

SEC. 9. 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:
"(v) The Special Counsel shall—
"(1) conduct an investigation, and after the investigation, take appropriate action regarding the matter investigated.
"(2) By 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 notice to the individual who submitted the allegation of the alleged prohibited personnel practice that states the basis for the decision of the Special Counsel for terminating the investigation.

"(C) SCOPE OF PROCEDURES.—An action carried out under this section—
"(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and
"(ii) shall not be subject to—
"(1) paragraphs (2) and (3) of section 7503(b); and
"(2) paragraphs (1) and (2) of section 7543(e).

"(D) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel practice for purposes of paragraph (1), the head of the agency may not delegate that responsibility.

"(E) TECHNICAL AND CONFORMING AMEND-
MENT.—Section 7503(b) is amended by inserting at the end the following:
"7515. Discipline of supervisors based on retaliation against whistleblowers.
communicate with the Inspector General; and
(2) the Special Counsel:
(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and
(B) may require the Inspector General for services provided under the agreement.

SEC. 10. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

(5) of section 1217 of title 5, United States Code, is amended to read as follows:

(7) of section 1213(e);''.

SEC. 12. REGULATIONS.

(a) IN GENERAL.—The Office of Special Counsel shall establish and maintain a pilot program under which the Office shall conduct, during the period beginning after the date of enactment of this Act, a survey of employee viewpoint surveys.

(b) PURPOSE.—The survey under subsection (a) shall be conducted—

(1) to assess whether the survey is being conducted in a favorable or unfavorable manner; and

(2) to evaluate the effectiveness of the survey in increasing employee viewpoint surveys.

(c) RESULTS.—The results of the survey under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 1214 of the Merit Systems Protection Board, as amended by section 1214 of the Merit Systems Protection Board, as amended by section 1214(c)(1); and

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as though enacted on September 30, 2015.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the committee-reported amendments, as amended, be considered, and that the motion to rejoin the table be considered made and laid upon the table.

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

The amendment (No. 746) was agreed to as follows:

Purpose: To permit an Inspector General to withhold certain material from the Office of Special Counsel if the material is derived from, or pertains to, intelligence activities.

On page 3, strike lines 10 through 23 and insert the following:

(1) an Inspector General may withhold material described in subparagraph (A) or (B) of section 1213(e)(1) relating to an incident described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

(II) the Attorney General or the Inspector General to the extent that the material contains information derived from, or pertaining to, intelligence activities.

"(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—

(1) may not be disclosed pursuant to a court order; or

(2) has been filed under seal under section 3730 of title 31; and

(3) an Inspector General to the extent that the material contains intelligence activities.

"(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—

(1) may not be disclosed pursuant to a court order; or

(2) has been filed under seal under section 3730 of title 31; and

(3) an Inspector General to the extent that the material contains intelligence activities.

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(1) may not be disclosed pursuant to a court order; or

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(3) an Inspector General to the extent that the material contains intelligence activities.

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"(bb) the material—

(1) may not be disclosed pursuant to a court order; or

(2) has been filed under seal under section 3730 of title 31; and

(3) an Inspector General to the extent that the material contains intelligence activities.

"(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—

(1) may not be disclosed pursuant to a court order; or

(2) has been filed under seal under section 3730 of title 31; and

(3) an Inspector General to the extent that the material contains intelligence activities.

"(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

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(1) may not be disclosed pursuant to a court order; or

(2) has been filed under seal under section 3730 of title 31; and

(3) an Inspector General to the extent that the material contains intelligence activities.

"(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

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(1) may not be disclosed pursuant to a court order; or

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(3) an Inspector General to the extent that the material contains intelligence activities.

"(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

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(1) may not be disclosed pursuant to a court order; or

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(3) an Inspector General to the extent that the material contains intelligence activities.

"(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

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(1) may not be disclosed pursuant to a court order; or

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(3) an Inspector General to the extent that the material contains intelligence activities.

"(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—

(1) may not be disclosed pursuant to a court order; or

(2) has been filed under seal under section 3730 of title 31; and

(3) an Inspector General to the extent that the material contains intelligence activities.
SECTION 1. SHORT TITLE.
This Act may be cited as the “Office of Special Counsel Reauthorization Act of 2017.”

SEC. 2. 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 subchapter, is authorized to—

(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to an agency that relate to an investigation, review, or inquiry conducted—

(I) section 1213, 1214, 1215, or 1216 of this title; or

(II) section 432(a) of title 38;

(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

(I) section 1213, 1214, 1215, or 1216 of this title; or

(II) section 432(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 73.

(i) 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.

(ii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

(I) 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)(i) 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.

(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive the agency against a non-Federal entity or against an individual in any other proceeding.

(I) With respect to any 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 for a purpose that is in furtherance of any authority provided to the Special Counsel in this subchapter.

(b) The term ‘Special Counsel’ means the Special Counsel acting—

(i) to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security and Governmental Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of continuance to fail or to comply with a request submitted by the Special Counsel under paragraph (5)(A).

(2) INFORMATION ON WHISTLEBLOWER PROTECTIONS.

(a) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking section (c) and inserting the following:

“(c)(1) In this subsection—

(A) the term ‘new employee’ means an individual—

(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

(ii) who has not previously served as an employee; and

(B) the term ‘whistleblower protections’ means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (8) of subsection (b).

(2) The head of each agency shall be responsible for—

(A) preventing prohibited personnel practices;

(B) complying with and enforcing applicable civil service laws, rules, and regulations, and other aspects of personnel management; and

(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the remedies available to the employees under this chapter and chapter 12, including—

(i) information with respect to whistleblower protections available to new employees during a probationary period;

(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board in respect to whistleblower protections; and

(iii) the means by which, with respect to information that is otherwise required by law or regulation to be kept classified in the interest of national defense or 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 designated to receive 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 not later than 180 days after the date on which the new employee is appointed.

(c) INFORMATION ON APPEAL RIGHTS.—In this subsection—

(A) the term ‘employee’ means the protections against and remedies available to the employee under this chapter and chapter 12, including—

(i) to each employee of the agency who—

(I) is appointed to a supervisory position in the agency; and

(II) before the appointment described in clause (I), had not served in a supervisory position in the agency; and

(iii) who has served as an employee of the agency who serve in supervisory positions in the agency.

(c) INVESTIGATING OFFICER.—(1) The head of each agency shall—

(A) provide the training described in paragraphs (3)(C), or (D) of paragraph (9) of subsection (b) of section 1211 of title 5 to—

(i) employees during a probationary period;

(ii) who has not previously served as an employee;

(C) or (D) of paragraph (9) of subsection (b).

(2) The head of each agency shall be responsible for—

(A) the training provided to employees described in paragraph (9) of subsection (b) of section 1211 of title 5 to—

(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the Inspector General of that agency that relate to an investigation, review, or inquiry conducted under—

(I) section 1213, 1214, 1215, or 1216 of this title; or

(II) section 432(a) of title 38;

(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

(I) section 1213, 1214, 1215, or 1216 of this title; or

(II) section 432(a) of title 38.

(B) The General, as applicable, submits to the Special Counsel a written report that describes—

(i) information with respect to whistleblower protections available to new employees during a probationary period;

(ii) the role of the Office of Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the remedies available to the employees under this chapter and chapter 12, including—

(i) information with respect to whistleblower protections available to new employees during a probationary period;

(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board in respect to whistleblower protections; and

(iii) the means by which, with respect to information that is otherwise required by law or regulation to be kept classified in the interest of national defense or 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 designated to receive 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 not later than 180 days after the date on which the new employee is appointed.

(b) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the agency’s official website or on any online portal that is made available only to employees of the agency, if such portal exists.

(c) 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 FOR SUPERVISORS.—(1) DEFINITIONS.—In this subsection—

(A) the term ‘agency’ means any entity the employees of which are covered by paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, with regard to whether any other provision of that title is applicable to the entity; and

(2) in subparagraph (F) the disclosure was made before the date on which the individual was appointed.
or applied for appointment to a position; or;

and

(b) by striking paragraph (2) and inserting the following:

"(2) A disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (in this paragraph, and inserted in to as the 'disclosing employee'), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who holds the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to the disclosing employee, took, failed to take, threatened not to take, directly or indirectly, or applied for appointment to a position; or"

(b) EXPLANATIONS FOR FAILURE TO TAKE ACTION.—Section 1213 of title 5, United States Code, is amended—

(1) in subsection (b), by striking "15 days" and inserting "45 days"; and

(2) in subsection (e)—

(A) in paragraph (1), by striking "Any such report shall include—" and inserting "Any report required under subsection (c) or paragraph (5) of this subsection";

(B) by striking paragraph (2) and inserting the following:

"(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel 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 reasonably contain the information required under subsection (d);"

(C) in paragraph (3), by striking "agency report received pursuant to subsection (c) of this section" and inserting "report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection"; and

(D) 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 an 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.

(c) TRANSFER REQUESTS DURING STAYS.—

(1) PRIORITY GRANTED.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

"(2) If the Board grants a stay under subparagraph (A), the head of 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.

(2) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall prescribe criteria that—

(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

(B) promote the protection of whistleblowers.

(2) The criteria required under paragraph (1) shall include—

(A) criteria 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)(8); or

(ii) take reasonable actions to resolve the disclosures described in clause (i); and

(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in clause (i) to supervisors or other appropriate authorities; and

(B) for each supervisory employee—

(i) determine whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

(3) In this subsection—

(A) the term 'agency' means any agency of which are covered by paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this title is applicable to the entity; and

(B) the term 'prohibited 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 supervisory employee as defined in section 2302(b) if 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).

(b) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4302 of title 5, United States Code, is amended—

(1) by adding at the end the following:

"(5) in subsection (e)—

(A) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall prescribe criteria that—

(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

(c) O FICE OF SPECIAL COUNSEL REVIEW.—

Upon receiving a referral under subsection (b)(1), the Special Counsel shall—

(1) examine whether a personnel action was taken with respect to an employee because of a disclosure described in subsection (b)(2)(A); and

(2) take any action that the Special Counsel determines is appropriate under subsection (c) or paragraph (5) of this subsection; and

(3) by adding at the end the following:

"(6) protecting whistleblowers, as described in section 4302(b)(8).

(d) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(1) DEFINITIONS.—In this subsection, the terms 'agency' and 'whistleblower' have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by subsection (a).

(2) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(A) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by subsection (a); and

(B) the reasons for the determinations described in subparagraph (A); and

(C) each performance-based or corrective action taken by the agency in response to a determination under subparagraph (A).

(d) 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";

SEC. 7. DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.

(a) 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—"
(1) the term ‘agency’—

(A) has the meaning given the term in section 2002(a)(2)(C), without regard to whether any other provision of this chapter is applied by the Merit Systems Protection Board;

(B) does not include 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. 403); and

(2) the term ‘prohibited personnel action’ means taking or failing to take an action in violation of paragraph (6) 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 702(f), in an entity employing the employee was an agency.

(b) PROPOSED DISCIPLINARY ACTIONS.—

(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrative law judge, 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 has determined that the supervisor committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures required under paragraph (2) of subsection (a), (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 the supervisor, the head of the agency shall carry out the action proposed based on the recommendation of the Special Counsel.

(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) EVIDENCE; 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 in which the supervisor is employed 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).

(C) SCOPE OF PROCEDURES.—An action carried out under this section—

(i) except as provided in clause (ii), shall be subject to the requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

(ii) Notice not be subject to—

(1) paragraphs (1) and (2) of section 7503(b);

(II) paragraphs (1) and (2) of subsection (b) and section 7513(a) requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

(III) paragraphs (1) and (2) of section 7543.

(d) NON-DELETION.—If the head of an agency determines, based on the requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543, and the head of the agency, including a reduction in grade or pay, and

(2) by adding at the end the following:

(S) THE OFFICE OF SPECIAL COUNSEL.

SEC. 8. TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.

Section 1212(a) of title 5, United States Code, is amended by adding at the end the following:

(g)(A) Notwithstanding any other provision of this section, not later than 30 days after receiving 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 facts and circumstances had previously been—

(1) made by an individual; and

(2) investigated by the Special Counsel;

(ii) the head of the agency involved has informed the individual who submitted the allegation that the Special Counsel does not have jurisdiction to investigate the allegation; or

(iii) the Special Counsel may not have known or should have known of the alleged prohibited personnel practice on 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 on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

SEC. 9. 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:

(a) OFFICE OF SPECIAL COUNSEL.

(1) IN GENERAL.—If an allegation submitted by or on behalf of an employee to the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

(B) may reimburse the Inspector General under section 1217 of title 5, United States Code, for any costs the Inspector General has incurred to investigate the allegation.

(c) 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 in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed based on the recommendation of the Special Counsel.

(d) SCOPE OF PROCEDURES.—An action carried out under this section—

(i) except as provided in clause (ii), shall be subject to the requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

(ii) Notice not be subject to—

(1) paragraphs (1) and (2) of section 7503(b);

(II) paragraphs (1) and (2) of subsection (b) and section 7513(a) requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

(III) paragraphs (1) and (2) of section 7543.

(e) NON-DELETION.—If the head of an agency determines, based on the requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543, and the head of the agency, including a reduction in grade or pay,
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—

(1) the agency that entered into the agreement;

(2) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;

(3) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

(4) a description of the agreement described in subparagraph (B); and

(5) 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).

SEC. 11. ESTABLISHMENT OF SURVEY PILOT PROGRAM.

(a) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct—

(1) 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;

(b) PURPOSE.—The survey under subsection (a) 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.

(c) REPORT.—The results of the survey under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 12. REGULATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as are necessary to carry out sections 1213, 1214, and 1215 of this title; and

(b) any functions of the Special Counsel that are required because of the amendments made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.


(b) DURATION.—The amendment made by subsection (a) shall take effect as though enacted on September 30, 2015.

SEC. 14. TECHNICAL AMENDMENT.

Section 1214(b)(1)(B)(ii) of title 5, United States Code, as amended by section 1 of the Act entitled “An Act to amend section 1214 of title 5, United States Code, to provide for stays during a period that the Merit Systems Protection Board lacks a quorum.” (S. 1083, 115th Congress 1st Session), is amended by striking “who was appointed, by and with the advice and consent of the Senate,”.

PRO BONO WORK TO EMPOWER AND REPRESENT ACT OF 2017

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 717 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title:

A bill (S. 717) to promote pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking, during a period that the Merit Systems Protection Board lacks a quorum. (S. 1083, 115th Congress, 1st Session), is amended by striking “2017 through 2022”.

The bill (S. 717) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 717

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 “Pro Bono Work to Empower and Represent Act of 2017” or the “POWER Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Extremely high rates of domestic violence, dating violence, sexual assault, and stalking are prevalent and negatively impact and endanger the most vulnerable members of our society.

(2) According to a study commissioned by the Department of Justice, nearly 25 percent of women suffer from domestic violence during their lifetime.

(3) Proactive efforts should be made available in all forums to provide pro bono legal services to victims of domestic violence, dating violence, sexual assault, and stalking.

(4) A variety of factors cause domestic violence, dating violence, sexual assault, and stalking, and a variety of solutions at the local, State, and national levels are necessary to combat such violence or behavior.

(5) According to the National Network to End Domestic Violence, which conducted a census including assistance programs over the course of 1 day in September 2014, more than 10,000 requests for services, including legal representation, were not met.

(6) Pro bono assistance can help fill this need by providing not only legal representation, but also access to emergency shelter, transportation, and childcare.

(7) Research projects have demonstrated that the provision of legal assistance to victims of domestic violence, dating violence, sexual assault, and stalking reduces the probability of such violence or behavior reoccurring in the future and can help survivors move forward.

(8) Legal representation increases the possibility of successfully obtaining a protective order against an attacker, which prevents further mental and physical injury to a victim and her or his family, as demonstrated by a study conducted for the Vermont Legal Aid that only 8 percent of victims represented by an attorney were able to obtain a protective order, whereas only 27 percent of victims without an attorney were able to obtain an attorney.

(9) The American Bar Association Model Rules include commentary stating that “every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer.”

(10) As representatives of the Department of Justice, the duty of United States Attorneys is to present “equal and impartial justice to all its citizens”, which should include, especially, survivors of domestic violence, dating violence, sexual assault, and stalking who might not otherwise know how to seek advice and protection.

(11) As Federal leaders who have knowledge of domestic violence, dating violence, sexual assault, and stalking in their localities, United States Attorneys should encourage lawyers to provide pro bono legal resources in an effort to help victims of such violence or behavior escape the cycle of abuse.

(12) A dedicated army of pro bono attorneys focused on this mission will inspire others to devote efforts to this cause and will raise awareness of the scope of domestic violence, dating violence, sexual assault, and stalking throughout the country.

(13) Communities, by providing awareness of pro bono legal services and assistance to victims of domestic violence, dating violence, sexual assault, and stalking, will empower those survivors to move forward with their lives.

SEC. 3. U.S. ATTORNEYS TO PROMOTE EMPowerMENT EVENTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less than once every 1 year thereafter, each United States Attorney, or his or her designee, for each judicial district shall lead not less than 1 public event promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking.

(b) DISTRICTS CONTAINING INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—During each 3-year period, a United States Attorney, or his or her designee, for a judicial district that contains an Indian tribe or tribal organization shall lead not less than 1 public event promoting pro bono legal services as a critical way in which to empower survivors of domestic violence, dating violence, sexual assault, and stalking.

(c) REQUIREMENTS.—Each United States Attorney shall—

(1) have discretion as to the design, organization, and implementation of the public event required under subsection (a); and

(2) in conducting a public event under subsection (a), seek to maximize the local impact of the event and the provision of access to legal aid by pro bono legal services for Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, and stalking.

SEC. 4. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than October 30 of each year, each United States Attorney shall submit to the Attorney General a report detailing each public event conducted under section 3 during the previous fiscal year.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1 of each year, the Attorney General shall submit to Congress a compilation and summary
of each report received under subsection (a) for the previous fiscal year.

(2) REQUIREMENT.—Each comprehensive report submitted under paragraph (1) shall include an analysis of how each public event meets the goals set forth in this Act, as well as suggestions on how to improve future public events.

SEC. 5. FUNDING.

The Department of Justice shall use existing funds to carry out the requirements of this Act.

RESOLUTIONS DISCHARGED

Mr. PORTMAN. Mr. President, I ask unanimous consent that the applicable committees be discharged and the Senate proceed to the immediate consideration of the following resolutions, en bloc: S. Res. 203, S. Res. 194, S. Res. 214, S. Res. 215, S. Res. 231, S. Res. 213, S. Res. 233 and S. Res. 221.

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

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 26, 2017, under “Submitted Resolutions.”)

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 15, 2017, under “Submitted Resolutions.”)

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 29, 2017, under “Submitted Resolutions.”)

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of June 29, 2017, under “Submitted Resolutions.”)

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 25, 2017, under “Submitted Resolutions.”)

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of July 19, 2017, under “Submitted Resolutions.”)

RESOLUTIONS SUBMITTED TODAY

Mr. PORTMAN, Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 239, S. Res. 240, and S. Res. 241.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”)

RAPID DNA ACT OF 2017

Mr. PORTMAN, Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 510 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 510) to establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog.

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

Mr. PORTMAN, Mr. President, I ask unanimous consent that the bill be considered read a third time and passed.

The bill (H.R. 510) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, AUGUST 2, 2017

Mr. PORTMAN, Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, August 2; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the nomination, with the time until 11 a.m. equally divided between the two leaders or their designees.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PORTMAN, Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:47 p.m., adjourned until Wednesday, August 2, 2017, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 1, 2017:

DEPARTMENT OF DEFENSE

ELAINE MCCUSKER, OF VIRGINIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE.

ROBERT DAGLE, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE.

MARTIN B. ROGERS, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE JUDICIARY

KEVIN CHRISTOPHER NEWSOM, OF ALABAMA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

DEPARTMENT OF DEFENSE

RICHARD V. SPENCER, OF WYOMING, TO BE SECRETARY OF THE NAVY.

DEPARTMENT OF JUSTICE

CHRISTOPHER A. WRAY, OF GEORGIA, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR A TERM OF TEN YEARS.

DEPARTMENT OF DEFENSE

RYAN MCCARTHY, OF ILLINOIS, TO BE UNDER SECRETARY OF THE ARMY.

LUCIAN NIEIMAYER, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

MATTHEW F. DONOVAN, OF VIRGINIA, TO BE UNDER SECRETARY OF THE AIR FORCE.

ELLEN M. LORD, OF RHODE ISLAND, TO BE UNDER SECRETARY OF DEFENSE.

M. LUCIANA NIEMEZ, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.
EXTENSIONS OF REMARKS

VISIT WITH HIS DIVINE HOLINESS HARIPRASAD SWAMIJI MAHARAJ AT THE JAIN TEMPLE OF CHICAGO ON AUGUST 12TH

HON. RAJA KRISHNAMOORTHI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 1, 2017

Mr. KRISHNAMOORTHI. Mr. Speaker, today I honor His Divine Holiness Hariprasad Swamiji Maharaj, spiritual leader and founder of the Yogi Divine Society—a Hindu spiritual and humanitarian charitable organization—as he makes a historic visit to Yogi Divine Society members and devotees across North America.

The Yogi Divine Society is a global not for profit organization founded in 1974 that encourages all races, religions, and genders to lead enriched and harmonious lives. With over 500 educational and cultural centers worldwide, the Yogi Divine Society is devoted to working on issues like the environment, youth development, spiritual education, and health care.

His Divine Holiness Hariprasad Swami Maharaj has dedicated his life to the principle of Atmiyata (Spiritual Affinity with one and all). He became a Sadhu (religious devotee) in 1965 and was made diksha (being appointed saint) by his spiritual educator Guruhari Yogiji Maharaj. His drive for global harmony led him to found the Yogi Divine Society. Through his work, his Holiness strives to promote humanity, peace, and understanding amongst the people of the world.

Every time I visit the volunteers and members of the Yogi Divine Society, I am reminded of the incredible virtues that the Society promotes not only to Americans but to people around the world. Mr. Speaker, I am proud to support their work and their devotion to creating a more welcoming and understanding world.

I honor His Divine Holiness Hariprasad Swami Maharaj, the spiritual leader and founder of the Yogi Divine Society, as he visits the Jain Temple of Metropolitan Chicago on August 12th.

HONORING ROBERT “IAN” MALONEY

HON. MAXINE WATERS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 1, 2017

Ms. MAXINE WATERS of California. Mr. Speaker, I rise to highlight Robert “Ian” Maloney, a May 2017 graduate of Georgetown Preparatory School and a newly accepted member of the Brown University class of 2021. Last year, I had the great pleasure of speaking at Georgetown Preparatory School about the call to serve and to give back to the community.

I accepted the invitation to speak at that school because Ian reached out and asked me to do so. Ian is a remarkable young man whom I have known since his birth. Ian was President of the Black Student Association. He is also a member of the National Honor Society and a National Hispanic Scholar, and he is passionate about serving others and giving back. He is committed to social justice and drawing attention to the scourge of homelessness.

Ian asked me to speak at Georgetown Preparatory School because he had made a promise to the school’s Headmaster, Mr. Jeff Jones. Mr. Jones was the school’s first African-American Headmaster and Interim President, and a leader who fostered diversity. At the time that Ian requested that I speak, Mr. Jones was awaiting a heart transplant at Cedars-Sinai Hospital in my Congressional District. Sadly, Mr. Jones would die two months after I spoke. However, several days before he had passed, he called to wish Ian continuing success in his studies and called on him to carry the torch and to continue to serve others.

Mr. Speaker, Ian wishes to honor the call and the memory of his Headmaster, Mr. Jeff Jones. Ian is a very special young man, and I wish him success in his academic endeavors. I truly believe that he has a very bright future ahead and that he will continue to give back to his community and make a positive difference in the world.

PERSONAL EXPLANATION

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 1, 2017

Mr. GRAVES of Missouri. Mr. Speaker, on July 26, 2017, I missed a series of Roll Call votes. Had I been present, I would have voted “YEA” on Nos. 436, 437, and 438.

IN HONOR OF JOHN CHRISTOPHER LAMONICA

HON. BARBARA COMSTOCK
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 1, 2017

Mrs. COMSTOCK. Mr. Speaker, I would like to take a moment to commemorate the life of Mr. John Christopher LaMonica.

Mr. LaMonica’s career in broadcast journalism is a catalogue of the major events of 20th century history. From Central Asia to the Middle East to Southern Africa; from the secret nuclear cities of Siberia to New Orleans during Hurricane Katrina; he used facts to tell stories with moral truths.

Originally from Rye, New York, Mr. LaMonica attended Georgetown University’s School of Foreign Service. In 1979, he became an Adjunct Fellow at the Center for Strategic and International Studies. He cut his teeth as a consultant for Henry Kissinger and became a newsman with Ted Koppel, working for decades as an investigative producer for ABC News Nightline. In 2006 he took the legacy of journalism from that program with him to Discovery, where he produced cutting-edge documentaries with Mr. Koppel on subjects ranging from the history of race relations in America to surviving cancer. Mr. LaMonica continued that work as an executive producer at Al Jazeera America.

The sum total of years spent away from his family in Russia and Iran and some of the most dangerous places on earth rewarded Mr. LaMonica with numerous National Emmys, several Dupont-Columbia and Peabody awards, the Overseas Press Club Edward R. Murrow Award, and the Global Health Council Excellence in Media Award. In 1987, he earned the Benton Fellowship in broadcast journalism from the University of Chicago. But what meant the world to Mr. LaMonica was that it can be said of him that he was a great father, the best grandfather, and, quite simply, a good man.

In addition to his journalistic endeavors, Mr. LaMonica continuously gave back to our community. His philanthropic efforts included his involvement with the Knights of Columbus, HOPE in Northern Virginia and the Zambia Orphans of AIDS, and the St. Peter Claver Society.

Mr. LaMonica died peacefully in his bed at home in Virginia on March 13, 2016, after battling cancer for nearly a year. He is survived by his wife, Teresa; her son; their three children; and four grandchildren, who still miss the man they called “Papa Jay.”

Mr. Speaker, I ask that my colleagues join me in celebrating the life of, and bidding farewell to Jay LaMonica. May he rest in peace, and his family be comforted.

PERSONAL EXPLANATION

HON. DANIEL WEBSTER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 1, 2017

Mr. WEBSTER of Florida. Mr. Speaker, I had to miss today’s votes on July 28, 2017, because I had a pre-scheduled meeting and briefing at the United States Air Force Academy. Also, I cast the same votes when each of these bills was considered under suspension on 7/24/17.

Had I been present, I would have voted YEA on Roll Call No. 437, and YEA on Roll Call No. 438.
RECOGNIZING THE SERVICE AND SACRIFICE OF SERGEANT CHRIS REDMAN

HON. KEN BUCK
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 2017

Mr. BUCK. Mr. Speaker, I rise today to recognize the service and sacrifice of Sergeant Chris Redman, and to congratulate him for being inducted into the Honorary Rolls of the 11th Armored Cavalry Regiment, the “Blackhorse Regiment.” I believe that our nation’s men and women in uniform are America’s greatest assets. They have made incredible sacrifices for our country and deserve our utmost support and respect for their service.

Sergeant Redman has dedicated his life to protecting all Americans through his service as a sergeant in the United States Army and as a police officer. He received numerous recognitions while in the Army and has continued to serve the Blackhorse Regiment since his retirement. In addition to his selfless service to our country, Sergeant Redman has also been a great leader and supporter of the Blackhorse Regiment in his community, coordinating reunions and raising money for scholarship funds.

Our nation owes no greater debt of gratitude than the one we owe our veterans. They and their families should be commended. On behalf of the 4th Congressional District of Colorado, I extend my best wishes and deepest gratitude to Sergeant Redman.

Mr. Speaker, it is an honor to recognize Sergeant Chris Redman for his commitment to family, community, and the United States of America.

PERSONAL EXPLANATION

HON. JEFF FORTENBERRY
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 2017

Mr. FORTENBERRY. Mr. Speaker, on Thursday, July 27, 2017, I was unavoidably detained and thus missed roll call votes 430 through 435.

Had I been present, I would have voted NAY Roll Call No. 430, NAY Roll Call No. 431, NAY Roll Call No. 432, NAY Roll Call No. 433, NAY Roll Call No. 434, and YEA on Roll Call No. 435.

HONORING THE SERVICE OF MARINE CORPORAL LUKE MCDERMOTT

HON. ELISE M. STEFANIK
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 2017

Ms. STEFANIK. Mr. Speaker, I rise today to honor and recognize the service and sacrifice of Marine Corporal Luke McDermott.

Corporal McDermott was serving his second deployment in Afghanistan when on June 9, 2010, an improvised explosive device detonated underneath his vehicle during a routine security patrol. The damage caused by this explosion cost Corporal McDermott both of his legs, but it did not take away the fighting spirit which enabled him to persevere through the difficult recovery process.

It is a true testament to Corporal McDermott’s character that these injuries have not prevented him from pursuing life to its fullest. In addition to training and traveling with the U.S. National Sled Hockey team, he has continued his service to the global community by participating in a volunteer trip to study social development in Morocco.

Through the generous work of Homes for our Troops, Corporal McDermott will soon become a resident of New York’s 21st District, and we are proud to welcome him. Since 2004, the organization has built 236 adapted homes for veterans, and now Homes for our Troops is providing Corporal McDermott with an accessible residence in Clayton, New York. Here, he can live comfortably and pursue his dreams of working toward a law degree.

I would like to thank Corporal McDermott for his service to our county and for the sacrifices he has made for our way of life. He is a deserving recipient of the incredible opportunity that Homes for our Troops provides.

RECOGNIZING HOWARD L. CHAMBERS

HON. LINDA T. SÁNCHEZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 2017

Ms. SÁNCHEZ. Mr. Speaker, I rise to recognize Howard L. Chambers, City Manager for Lakewood, California in my Southern California district who is retiring after over 41 years of public service. Howard is concluding his career as the longest serving city manager with any single city in California, exemplifying his love and dedication towards the City of Lakewood and its people.

Howard was born and raised in Lakewood, having attended Lakewood schools and working at the local VCA and the City of Lakewood’s recreation program. As his life progressed Howard never strayed too far from his beloved city, attending college at nearby California State University, Long Beach where he received a Bachelor of Science degree. Howard became Lakewood’s top executive in 1976, after receiving a Master of Arts degree in Planning and Administration from Pepperdine University and serving as Executive Assistant to the Lakewood City Manager. During his tenure with the City of Lakewood, Howard always provided strong leadership and knowledgeable direction for major projects. While his accomplishments are far too numerous to name, I want to highlight the building of the Weingart Senior Center, the Centre at Sycamore Plaza, the S. Mark Taper Foundation Vista Loca, the West San Gabriel River Parkway Nature Trail, and, most recently, the new Pumpkin Playground at San Martin Park. He also oversaw the renovation of the Veterans Memorial Plaza and Douglas jet plane at Del Valle Park.

Over the past decades, Howard has worked tirelessly to ensure Lakewood operates on firm financial footing and never outside its fiscal means. During the recent economic downturn, Lakewood was able to maintain funding for all city services and avoid employee layoffs thanks to Howard’s budgetary foresight.

Howard has also played an influential role amongst his peers in city management, through his leadership roles in League of California Cities, the California Contract Cities Association, the California Joint Powers Insur- ance Authority, the Gateway Cities Council of Governments, and the International City/County Management Association. Howard was recently honored by the League of California Cities with the 2017 Wes McClure Award of Distinction for outstanding career service, leadership, ethics, expertise and innovation as a city manager.

I wish to commend Howard Chambers on his many years of outstanding public service and dedication to the City of Lakewood and its residents. I wish him the very best in retirement.

PERSONAL EXPLANATION

HON. JACQUI SPEIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 2017

Ms. SPEIER. Mr. Speaker, due to an unavoidable conflict, I missed the following votes on July 28. Had I been present, I would have voted YEA on Roll Call No. 437, and YEA on Roll Call No. 438.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018

HON. MAC THORNBERRY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 2017

Mr. THORNBERRY. Mr. Speaker, I ask that the following exchange of letters be included in the RECORD on H.R. 2810:

HON. WILLIAM M. “MAC” THORNBERRY,
Chairman, Committee on Armed Services,

DEAR MR. THORNBERRY: I am writing to you concerning the bill H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on House Administration.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee’s right to sequential referral. I do so with the understanding that by waiving consideration of the bill the Committee on House Administration does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 2810 and into the Congressional Record during debate of the measure on the House floor. Thank you for the cooperative spirit in which you have
Thank you in advance for your cooperation.

Report and in the Congressional Record during consideration of this bill on the House Floor. Thank you for your attention to these matters.

Sincerely,

WILLIAM M. "Mac" THORNBERRY, Chairman.

WASHINGTON, DC, June 30, 2017.

Hon. WILLIAM M. "Mac" THORNBERRY, Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on House Administration has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on House Administration is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. "Mac" THORNBERRY, Chairman.

WASHINGTON, DC, July 5, 2017.

Hon. WILLIAM M. "Mac" THORNBERRY, Chairman, Committee on Armed Services, Washington, DC.

DEAR CHAIRMAN THORNBERRY: I am writing concerning H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. This legislation contains provisions within the Committee on Agriculture’s Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Agriculture will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Agriculture with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation. I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during consideration of this bill.

Thank you in advance for your cooperation.

Sincerely,

K. MICHAEL CONAWAY, Chairman.

WASHINGTON, DC, July 5, 2017.

Hon. K. MICHAEL CONAWAY, Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on Agriculture has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Agriculture is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

William M. "Mac" THORNBERRY, Chairman.

WASHINGTON, DC, July 5, 2017.

Hon. William M. "Mac" THORNBERRY, Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding regarding H.R. 2810, the “National Defense Authorization Act for Fiscal Year 2018. ” While the legislation does contain provisions within the jurisdiction of the Committee on Energy and Commerce, the Committee will not request a sequential referral so that it can proceed expeditiously to the House floor for consideration.

The Committee takes this action with the understanding that its jurisdictional interests over this and similar legislation are in no way diminished or altered, and that the Committee will be appropriately consulted and involved as such legislation moves forward. The Committee also reserves the right to seek an appointment to any House-Senate conference on such legislation and requests your support when such a request is made.

Finally, I would appreciate a response to this letter confirming this understanding and ask that a copy of our exchange of letters be included in the Congressional Record.
during consideration of H.R. 2810 on the House floor.

Sincerely,

GREG WALDEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,

Hon. GREG WALDEN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. “MAC” THORNBERRY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,

Hon. WILLIAM M. “MAC” THORNBERRY,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN THORNBERRY: I am writing to you regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Financial Services. In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee’s right to sequential referral. I do so with the understanding that by waiving consideration of the bill the Committee on Financial Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 2810 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

JEB HENSARLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on Financial Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Financial Services is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. “MAC” THORNBERRY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,

Hon. WILLIAM M. “MAC” THORNBERRY,
Chairman, House Armed Services Committee,
Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018, which contains substantial matter that falls within the Rule X jurisdiction of the Foreign Affairs Committee. I appreciate the cooperation that allowed us to work out mutually agreeable text on numerous matters prior to your markup.

Based on that cooperation and our associated understandings, the Foreign Affairs Committee will not seek a sequential referral or object to floor consideration of the bill text approved at your Committee markup. This decision in no way diminishes or alters the jurisdictional interests of the Foreign Affairs Committee in this bill, any subsequent amendments, or similar legislation. I request your support for the appointment of House Foreign Affairs conferees during any House-Senate conference on this legislation.

Finally, I respectfully request that you include this letter and your response in your committee report on the bill and in the Congressional Record during consideration of H.R. 2810 on the House floor.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018. I agree that the Committee on Foreign Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Foreign Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. “MAC” THORNBERRY,
Chairman.
HIGHLIGHTS
See Résumé of Congressional Activity.

Senate confirmed the nomination of Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation.

Chamber Action

Routine Proceedings, pages S4633–S4695

Measures Introduced: Eighteen bills and six resolutions were introduced, as follows: S. 1682–1699, S.J. Res. 48, and S. Res. 237–241. Pages S4667–68

Measures Reported:
- S. 504, to permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program. (S. Rept. No. 115–140)
- S. 81, to establish an advisory office within the Bureau of Consumer Protection of the Federal Trade Commission to prevent fraud targeting seniors. (S. Rept. No. 115–141)
- S. 1311, to provide assistance in abolishing human trafficking in the United States, with an amendment in the nature of a substitute.
- S. 1312, to prioritize the fight against human trafficking in the United States, with an amendment in the nature of a substitute. Page S4667

Measures Passed:
- **Power And Security Systems (PASS) Act:** Senate passed S. 190, to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems. Page S4681

- **Elder Abuse Prevention and Prosecution Act:** Senate passed S. 178, to prevent elder abuse and exploitation and improve the justice system’s response to victims in elder abuse and exploitation cases, after agreeing to the following amendment proposed thereto:
  Portman (for Grassley) Amendment No. 742, of a perfecting nature. Page S4681

- **READ Act:** Senate passed H.R. 601, to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, after agreeing to the committee amendments, and the following amendment proposed thereto:
  Portman (for Rubio) Amendment No. 743, to add provisions regarding the promotion of United States values and the reduction of childhood exposure to extremist ideologies. Page S4686

- **Northern Mariana Islands Economic Expansion Act:** Committee on Energy and Natural Resources was discharged from further consideration of H.R. 339, to amend Public Law 94–241 with respect to the Northern Mariana Islands, and the bill was then passed, after agreeing to the following amendment proposed thereto:
  Grassley Amendment No. 741, relative to the reauthorization and improvement of the Juvenile Justice and Delinquency Prevention Act of 1974. Pages S4651
Portman (for Murkowski/Cantwell) Amendment No. 744, to permit the extension of 350 non-immigrant permits for workers in the Commonwealth of the Northern Mariana Islands.

**Sergeant Joseph George Kusick VA Community Living Center**: Senate passed H.R. 2210, to designate the community living center of the Department of Veterans Affairs in Butler Township, Butler County, Pennsylvania, as the “Sergeant Joseph George Kusick VA Community Living Center”.

**Veterans Appeals Improvement and Modernization Act**: Committee on Veterans’ Affairs was discharged from further consideration of H.R. 2288, to amend title 38, United States Code, to reform the rights and processes relating to appeals of decisions regarding claims for benefits under the laws administered by the Secretary of Veterans Affairs, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Portman (for Isakson) Amendment No. 745, in the nature of a substitute.

**Office of Special Counsel Reauthorization Act**: Senate passed S. 582, to reauthorize the Office of Special Counsel, after agreeing to the committee amendments, and the following amendment proposed thereto:

Portman (for Johnson) Amendment No. 746, to permit an Inspector General to withhold certain material from the Office of Special Counsel if the material is derived from, or pertains to, intelligence activities.

**POWER Act**: Committee on the Judiciary was discharged from further consideration of S. 717, to promote pro bono legal services as a critical way in which to empower survivors of domestic violence, and the bill was then passed.

**National Post-Traumatic Stress Awareness Month and Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 203, designating the month of June 2017, as “National Post-Traumatic Stress Awareness Month” and June 27, 2017, as “National Post-Traumatic Stress Awareness Day”, and the resolution was then agreed to.

**World Elder Abuse Awareness Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 194, designating June 15, 2017, as “World Elder Abuse Awareness Day”, and the resolution was then agreed to.

**Juneteenth Independence Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 214, designating June 19, 2017, as “Juneteenth Independence Day” in recognition of June 19, 1865, the date on which slavery legally came to an end in the United States, and the resolution was then agreed to.

**Collector Car Appreciation Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 215, designating July 14, 2017, as Collector Car Appreciation Day and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States, and the resolution was then agreed to.

**National Whistleblower Appreciation Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 231, designating July 30, 2017, as “National Whistleblower Appreciation Day”, and the resolution was then agreed to.

**Honoring July 2016 Dallas Police Shooting Victims**: Committee on the Judiciary was discharged from further consideration of S. Res. 213, honoring the memory of Dallas Police Department Senior Corporal Lorne Ahrens, Sergeant Michael Smith, Officer Michael Krol, Officer Patrick Zamarripa, and Dallas Area Rapid Transit Police Officer Brent Thompson, who were killed during the attack in Dallas, Texas, that occurred 1 year ago, on July 7, 2016, and the resolution was then agreed to.

**National Airborne Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 233, designating August 16, 2017, as “National Airborne Day”, and the resolution was then agreed to.

**National Lobster Day**: Committee on the Judiciary was discharged from further consideration of S. Res. 221, designating September 25, 2017, as “National Lobster Day”, and the resolution was then agreed to.

**Congratulating the Pittsburgh Penguins**: Senate agreed to S. Res. 239, congratulating the Pittsburgh Penguins for winning the 2017 Stanley Cup hockey championship.

**Congratulating the University of Florida baseball team**: Senate agreed to S. Res. 240, congratulating the University of Florida baseball team for winning the 2017 National Collegiate Athletic Association College World Series.

**National Purple Heart Recognition Day**: Senate agreed to S. Res. 241, supporting the goals and ideals of National Purple Heart Recognition Day.

**Rapid DNA Act**: Committee on the Judiciary was discharged from further consideration of H.R. 510,
to establish a system for integration of Rapid DNA instruments for use by law enforcement to reduce violent crime and reduce the current DNA analysis backlog, and the bill was then passed.

Measures Considered:

FDA Reauthorization Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 2430, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs, medical devices, generic drugs, and biosimilar biological products.

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board.

House Messages:

VA Choice and Quality Employment Act: Senate concurred in the amendments of the House to S. 114, to authorize appropriations and to appropriate amounts for the Veterans Choice Program of the Department of Veterans Affairs, to improve hiring authorities of the Department, to authorize major medical facility leases.

Washington Metrorail Safety Commission—Agreement: A unanimous-consent agreement was reached providing that the papers with respect to H.J. Res. 76, granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission, be returned to the House of Representatives at their request.

Kaplan Nomination—Agreement: A unanimous-consent agreement was reached providing that at approximately 10 a.m., on Wednesday, August 2, 2017, Senate resume consideration of the nomination of Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board, with the time until 11 a.m. equally divided between the two Leaders, or their designees.

Nominations Confirmed: Senate confirmed the following nominations:

By 66 yeas to 31 nays (Vote No. EX. 182), Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Elaine McCusker, of Virginia, to be a Principal Deputy Under Secretary of Defense.

Robert Daigle, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

Robert R. Hood, of Georgia, to be an Assistant Secretary of Defense.

Richard V. Spencer, of Wyoming, to be Secretary of the Navy.

Ryan McCarthy, of Illinois, to be Under Secretary of the Army.

Lucian Niemeyer, of Pennsylvania, to be an Assistant Secretary of Defense.

Matthew P. Donovan, of Virginia, to be Under Secretary of the Air Force.

Ellen M. Lord, of Rhode Island, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

Measures Placed on the Calendar:

Executive Communications:

Petitions and Memorials:

Additional Cosponsors:

Statements onIntroduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authorities for Committees to Meet:

Record Votes: Two record votes were taken today. (Total—182)

Adjournment: Senate convened at 10 a.m. and adjourned at 7:47 p.m., until 10 a.m. on Wednesday, August 2, 2017. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S4695.)

Committee Meetings

(Committees not listed did not meet)

MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, focusing on National Oceanic and Atmospheric Administration and Council perspectives, after receiving testimony from
Chris W. Oliver, Assistant Administrator for the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; and John M. Quinn, New England Fishery Management Council, Dartmouth, Massachusetts.

SUPERFUND PROGRAM OVERSIGHT
Committee on Environment and Public Works: Subcommittee on Superfund, Waste Management, and Regulatory Oversight concluded an oversight hearing to examine the Environmental Protection Agency’s Superfund program, after receiving testimony from Steven C. Nadeau, Honigman Miller Schwartz and Cohn LLP, Detroit, Michigan; Jeffery A. Steers, Association of State and Territorial Solid Waste Management Officials, Richmond, Virginia; and Katherine N. Probst, McLean, Virginia.

AFFORDABLE HOUSING CRISIS
Committee on Finance: Committee concluded a hearing to examine America’s affordable housing crisis, focusing on challenges and solutions, after receiving testimony from Daniel Garcia-Diaz, Director, Financial Markets and Community Investment, Government Accountability Office; Grant Whitaker, Utah Housing Corporation, on behalf of the National Council of State Housing Agencies, and Granger MacDonald, National Association of Home Builders, both of Washington, D.C.; Katherine M. O’Regan, New York University Robert F. Wagner Graduate School of Public Service Furman Center for Real Estate and Urban Policy, New York, New York; and Kirk McClure, University of Kansas School of Public Affairs and Administration Urban Planning Program, Lawrence.

NOMINATION
Committee on Foreign Relations: Committee concluded a hearing to examine the nomination of Stephen B. King, of Wisconsin, to be Ambassador to the Czech Republic, Department of State, after the nominee testified and answered questions in his own behalf.

NOMINATIONS
Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the nominations of Lance Allen Robertson, of Oklahoma, to be Assistant Secretary for Aging, Brett Giroir, of Texas, and Robert P. Kadlec, of New York, both to be a Medical Director in the Regular Corps of the Public Health Service, and to be Assistant Secretary for Preparedness and Response, and Elinore F. McCance-Katz, of Rhode Island, to be Assistant Secretary for Mental Health and Substance Use, who was introduced by Senator Whitehouse, all of the Department of Health and Human Services, and Jerome M. Adams, of Indiana, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service, who was introduced by Senator Young, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 8 public bills, H.R.3633–3640, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

Committee on Ethics. In the Matter of Allegations Relating to Representative Roger Williams (H. Rept. 115–271); and


Speaker: Read a letter from the Speaker wherein he appointed Representative Long to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the Guest Chaplain, Rev. Dr. Dan C. Cummins, Skyline Wesleyan Church, San Diego, CA.

Advisory Committee on the Records of Congress—Appointment: The Chair announced the Speaker’s appointment of the following individual on the part of the House to the Advisory Committee on the Records of Congress: Ms. Lori Schwartz of Omaha, Nebraska.

Electioon Assistance Commission Board of Advisors—Appointment: The Chair announced the Speaker’s appointment of the following individual on the part of the House to the Election Assistance Commission Board of Advisors: Mr. Elliot Berke of Arlington, Virginia.

John C. Stennis Center for Public Service Training and Development—Appointment: The Chair
announced the Speaker’s appointment of the following individual on the part of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development for a term of six years: Mrs. Martha Roby of Montgomery, Alabama.

Board of Visitors to the United States Military Academy—Reappointment: The Chair announced the Speaker’s reappointment of the following Member on the part of the House to the Board of Visitors to the United States Military Academy: Representative Womack.

Quorum Calls—Votes: There were no yea-and-nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 11 a.m. and adjourned at 11:04 a.m.

Committee Meetings
No hearings were held.

Joint Meetings
No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, AUGUST 2, 2017
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider the nominations of Rostin Behnam, of New Jersey, Brian D. Quintenz, of Ohio, and Dawn DeBerry Stump, of Texas, each to be a Commissioner of the Commodity Futures Trading Commission, Time to be announced, Room to be announced.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 374, to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products, S. 754, to support meeting our Nation’s growing cybersecurity workforce needs by expanding the cybersecurity education pipeline, S. 1322, to establish the American Fisheries Advisory Committee to assist in the awarding of fisheries research and development grants, S. 1425, to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, S. 1532, 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. 1536, to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration’s outreach and education program to include human trafficking prevention activities, S. 1586, to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, S. 1621, to require the Federal Communications Commission to establish a methodology for the collection by the Commission of information about commercial mobile service and commercial mobile data service, and the nominations of Ajit Varadaraj Pai, of Kansas, Jessica Rosenworcel, of Connecticut, and Brenda Carr, of Virginia, each to be a Member of the Federal Communications Commission, David J. Redl, of New York, to be Assistant Secretary for Communications and Information, Peter B. Davidson, of Virginia, to be General Counsel, Karen Dunn Kelley, of Pennsylvania, to be Under Secretary for Economic Affairs, and Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, all of the Department of Commerce, Steven Gill Bradbury, of Virginia, to be General Counsel, Mark H. Buzby, of Virginia, to be Administrator of the Maritime Administration, and Ronald L. Batory, of New Jersey, to be Administrator of the Federal Railroad Administration, all of the Department of Transportation, and Robert L. Sumwalt III, of South Carolina, to be Chairman of the National Transportation Safety Board, 10 a.m., SH–216.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine increasing water security and drought preparedness through infrastructure, management, and innovation, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the Federal Bureau of Investigation headquarters consolidation project, 10 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women’s Issues, to hold hearings to examine assessing the Colombia peace process, focusing on the way forward in United States-Colombia relations; to be immediately followed by a full committee hearing to examine the nomination of Doug Manchester, of California, to be Ambassador to the Commonwealth of The Bahamas, Department of State, 10 a.m., SD–419.

Full Committee, to receive a closed briefing on the Authorizations for the Use of Military Force, focusing on Administration perspectives, 2 p.m., SVC–217.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of Lance Allen Robertson, of Oklahoma, to be Assistant Secretary for Aging, Brett Giroir, of Texas, and Robert P. Kadlec, of New York, both to be a Medical Director in the Regular Corps of the Public Health Service, and to be Assistant Secretary for Preparedness and Response, and Elinore F. McCance-Katz, of Rhode Island, to be Assistant Secretary for Mental Health and Substance Use, all of the Department of Health and Human Services, Jerome M. Adams, of Indiana, to be Medical Director in the Regular Corps of the Public Health Service, and to be Surgeon General of the Public Health Service, Patrick Pizzella, of Virginia, to be Deputy Secretary of Labor, and Heather L.
MacDougall, of Florida, and James J. Sullivan, Jr., of Pennsylvania, both to be a Member of the Occupational Safety and Health Review Commission, 11 a.m., S–216, Capitol.

Committee on Small Business and Entrepreneurship: business meeting to consider S. 154, to amend the Small Business Act to ensure small businesses affected by the onset of transmissible diseases are eligible for disaster relief, S. 650, to amend the Small Business Act to expand tax credit education and training for small businesses that engage in research and development, S. 690, to extend the eligibility of redesignated areas as HUBZones from 3 years to 7 years, S. 929, to improve the HUBZone program, S. 1038, to require the Administrator of the Small Business Administration to submit to Congress a report on the utilization of small businesses with respect to certain Federal contracts, and S. 1428, to amend section 21 of the Small Business Act to require cyber certification for small business development center counselors, 11 a.m., S–219, Capitol.

House

No hearings are scheduled.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FIFTEENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 3 through July 31, 2017

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<th>Senate</th>
<th>House</th>
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*These figures include all measures reported, even if there was no accompanying report. A total of 139 written reports have been filed in the Senate, 198 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through July 31, 2017

Civilian nominations, totaling 311, disposed of as follows:
- Confirmed .......................................................... 56
- Unconfirmed .......................................................... 227
- Withdrawn ............................................................ 28

Other Civilian nominations, totaling 710, disposed of as follows:
- Confirmed .......................................................... 698
- Unconfirmed .......................................................... 12

Air Force nominations, totaling 3,081, disposed of as follows:
- Confirmed .......................................................... 3,074
- Unconfirmed .......................................................... 7

Army nominations, totaling 5,429, disposed of as follows:
- Confirmed .......................................................... 5,179
- Unconfirmed .......................................................... 250

Navy nominations, totaling 2,091, disposed of as follows:
- Confirmed .......................................................... 1,671
- Unconfirmed .......................................................... 420

Marine Corps nominations, totaling 1,311, disposed of as follows:
- Confirmed .......................................................... 1,310
- Unconfirmed .......................................................... 1

Summary

Total nominations carried over from the First Session .......... 0
Total nominations received this Session ......................... 12,933
Total confirmed ...................................................... 11,988
Total unconfirmed ................................................... 917
Total withdrawn .................................................... 28
Total returned to the White House ................................ 0
Next Meeting of the SENATE
10 a.m., Wednesday, August 2

Senate Chamber

Program for Wednesday: Senate will resume consideration of the nomination of Marvin Kaplan, of Kansas, to be a Member of the National Labor Relations Board, and vote on the motion to invoke cloture on the nomination at 11 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
1 p.m., Friday, August 4

House Chamber

Program for Friday: House will meet in Pro Forma session at 1 p.m.

Extensions of Remarks, as inserted in this issue

HOUSE

Buck, Ken, Colo., E1108
Comstock, Barbara, Va., E1107
Fortenberry, Jeff, Nebr., E1106
Graves, Sam, Mo., E1107
Krishnamoorthi, Ill., E1107
Sánchez, Linda T., Calif., E1108
Speier, Jackie, Calif., E1108
Stefanik, Elise M., N.Y., E1108
Thornberry, Mac, Tex., E1108, E1109
Waters, Maxine, Calif., E1107
Webster, Daniel, Fla., E1107

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