

DUCKWORTH) was added as a cosponsor of S. 915, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 974

At the request of Mr. LEAHY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 974, a bill to promote competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1086, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 1121

At the request of Mr. HATCH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1121, a bill to establish a postsecondary student data system.

S. 1572

At the request of Mr. HATCH, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1572, a bill to amend the Mineral Leasing Act to provide that extraction of helium from gas produced under a Federal mineral lease shall maintain the lease as if the helium were oil and gas.

S. 2105

At the request of Mr. BOOZMAN, the name of the Senator from Wisconsin (Mr. BALDWIN) was added as a cosponsor of S. 2105, a bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in the Armed Forces in Thailand during the Vietnam era, and for other purposes.

S. 2128

At the request of Mr. HATCH, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2128, a bill to improve the coordination and use of geospatial data.

S. 2269

At the request of Mr. ISAKSON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2269, a bill to reauthorize the Global Food Security Act of 2016 for 5 additional years.

S. 2506

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2506, a bill to establish an aviation maintenance workforce development pilot program.

S. 2580

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2580, a bill to amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census.

S. 2607

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2607, a bill to provide family members of an individual who they fear is a danger to himself, herself, or others, or law enforcement, with new tools to prevent gun violence.

S. 2652

At the request of Mr. CASSIDY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2652, a bill to award a Congressional Gold Medal to Stephen Michael Gleason.

S.J. RES. 39

At the request of Mr. DONNELLY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S.J. Res. 39, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

S. RES. 435

At the request of Mr. TOOMEY, his name was added as a cosponsor of S. Res. 435, a resolution expressing the sense of the Senate that the 85th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, should serve as a reminder of repressive Soviet policies against the people of Ukraine.

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 435, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. BROWN, and Mr. CASEY):

S. 2653. A bill to create a poverty relief benefit under title II of the Social Security Act for eligible individuals; to the Committee on Finance.

Mr. WYDEN. Mr. President, every day, Social Security provides vital benefits to millions of Americans who worked and paid into the system, and I cannot overstate the important anti-poverty role that the program plays. Supplemental Security Income or SSI is the safety net of last resort for individuals who have not worked enough to qualify for Social Security. Even with these critical income support programs, more and more seniors and people with disabilities find themselves struggling to keep up with the costs of the things they need just to get by.

Although Social Security and SSI automatically increase each year when there is an increase in the cost of living, over time those increases do not allow beneficiaries to maintain their standard of living. Because Social Security provides an increasingly larger share of the elderly's income as they age, even a slight decrease in value of these lifeline benefits can lead to poverty and hardship. Too many seniors are walking on an economic tightrope, balancing their food bill against their rent against their utility bill. It's time to update Social Security's guarantee of a secure retirement, and this bill is a landmark step towards accomplishing that goal. I'm particularly hopeful about the benefits this bill will have for older American women, who live longer and often have less retirement savings.

To help combat the risk of poverty among the most vulnerable receiving Social Security and SSI, I, along with Senators BROWN and CASEY, are introducing the Elder Poverty Relief Act. This bill creates a monthly Poverty Relief Benefit for almost everyone over age 82, individuals who have been relying on Social Security or SSI for a long time, or who have worked in low-paying jobs and receive a very small Social Security benefit. The Poverty Relief benefit will also go to seniors who receive only SSI. If enacted, in 2019, the Poverty Relief Benefit would provide an additional \$85 a month to almost 14 million people. The Poverty Relief Benefit will grow by roughly 4 percent each year. SSA estimates that the enactment of the Poverty Relief Benefit would reduce poverty among seniors who received the benefit by almost 25 percent in 2030 which would lift 420,000 seniors out of poverty. Notably, the enactment of the Poverty Relief Benefit would not accelerate the depletion year of the Social Security trust funds. The bill has been endorsed by the Gray Panthers, Justice in Aging, the National Committee to Preserve Social Security and Medicare, Social Security Works, and the Strengthen Social Security Coalition.

For most seniors, Social Security is the only income they will receive that's guaranteed to last as long as they live. But despite these important benefits, poverty among seniors grows—with some studies showing the poverty rate among the very old is between 12 and 19 percent. We simply must do more to protect the financial stability of our elderly friends, neighbors, and relatives and enactment of the Poverty Relief Benefit would help reduce poverty among America's seniors. These are workers who sent a chunk of every paycheck to the Federal government with the understanding that they'd be getting it back in their later year when they needed it most. We must do right by them.

Mr. President: I ask unanimous consent that a letter from the National Committee to Preserve Social Security and Medicare be inserted into the

RECORD following my remarks about the Elderly Poverty Act.

NATIONAL COMMITTEE TO PRESERVE
SOCIAL SECURITY & MEDICARE®,
Washington, DC, March 16, 2018.

Hon. RON WYDEN,
Washington, DC.

DEAR SENATOR WYDEN: On behalf of the millions of members and supporters of the National Committee to Preserve Social Security and Medicare, I write to endorse your bill, the “Elder Poverty Relief Act.” We applaud your leadership in developing new and innovative approaches for alleviating poverty among America’s seniors.

The “Elder Poverty Relief Act” addresses the long-standing problem of seniors falling into poverty after being on the Social Security rolls for many years. This occurs when inflation, only partially offset by annual cost-of-living adjustments, gradually erodes the purchasing power of a Social Security benefit for beneficiaries who have participated in the program for several years.

The “Elder Poverty Relief Act” will help alleviate poverty among the elderly and the disabled by granting each beneficiary a monthly increase in their benefit equal to about \$85. This bump-up will increase for future beneficiaries in tandem with growth in wages in the economy.

Benefits under the “Elder Poverty Relief Act” will be paid to:

Social Security beneficiaries beginning at age 82 (or older) and to Supplemental Security Income (SSI) recipients when they reach their full retirement age (currently 66, increasing gradually to age 67);

Social Security and SSI beneficiaries who have received benefits for 20 years; and to

Social Security beneficiaries with low monthly benefits (currently about \$944) when they reach their full retirement age.

The “Elder Poverty Relief Act” embodies legislation that the National Committee to Preserve Social Security and Medicare has supported for a number of years. In testimony given before the Senate Finance Committee at a hearing on December 9, 2014, Catherine Dodd, who is the chair of the National Committee’s board of directors, recommended increasing benefits for seniors who have received Social Security for many years.

For these reasons, the National Committee endorses your bill, the “Elder Poverty Relief Act.” We thank you for your leadership on this matter and look forward to working with you to enact this important improvement to Social Security.

Sincerely,

MAX RICHTMAN,
President and CEO.

Mr. WYDEN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2653

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 “Elder Poverty Relief Act”.

SEC. 2. POVERTY RELIEF BENEFIT.

(a) IN GENERAL.—Title II of the Social Security Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

“POVERTY RELIEF BENEFIT

“SEC. 235. (a) Subject to subsection (d), any eligible individual shall be entitled to a poverty relief benefit that shall be—

“(1) in addition to any other amounts to which the individual is entitled under this title;

“(2) certified and paid monthly in such manner as the Commissioner of Social Security (referred to in this section as the ‘Commissioner’) considers appropriate; and

“(3) equal to the monthly benefit amount determined under subsection (b).

“(b)(1) Subject to paragraph (4), the monthly benefit amount determined under this subsection for any calendar year shall be a dollar amount equal to 1/12th of 2 percent of the national average wage index for the year (as defined in section 209(k)(1)).

“(2) If the monthly benefit amount determined under paragraph (1) is not a whole dollar, such amount shall be rounded down to the next lower whole dollar.

“(3) The Commissioner shall determine the monthly benefit amount under this subsection for each calendar year not later than October 1 of the preceding calendar year, based on the most recent data that is available.

“(4) If the monthly benefit amount determined for a calendar year under paragraph (1) is less than the monthly benefit amount determined for any previous calendar year, the highest monthly benefit amount determined for a previous year shall be the monthly benefit amount for the calendar year involved.

“(5) For purposes of a monthly benefit amount payable to an eligible individual pursuant to this section, such amount shall be payable for each month during the 12-month period from the month of December of the applicable calendar year under such subsection through the month of November of the subsequent calendar year.

“(c)(1) For purposes of this section, the term ‘eligible individual’ means any of the following:

“(A) An individual who—

“(i) is entitled to a monthly benefit under subsections (a) through (h) of section 202 or section 223(a); and

“(ii) attains 82 years of age or 240 benefit months (as defined in paragraph (3)) on the basis of the wages and self-employment income of 1 individual, whichever is earlier.

“(B) An individual who—

“(i) is eligible for supplemental security income benefits under title XVI; and

“(ii) attains retirement age (as defined in section 216(l)) or 240 benefit months (as defined in paragraph (3)), whichever is earlier.

“(C) An individual who—

“(i) is entitled to a monthly benefit under subsections (a) through (h) of section 202;

“(ii) attains retirement age (as defined in section 216(l));

“(iii) has average indexed monthly earnings which do not exceed the amount specified in subparagraph (B) of section 215(a)(1) for the purposes of clause (i) of subparagraph (A) of such section 215(a); and

“(iv) has not less than 11 years of coverage (as defined for purposes of section 215(a)(7)(D)).

“(2)(A) An individual’s entitlement to a poverty relief benefit under this section shall be suspended if, during any month, the individual ceases to be an eligible individual.

“(B) In the case of an individual described in subparagraph (A) who subsequently satisfies the requirements under paragraph (1), such individual shall be reentitled to a poverty relief benefit under this section.

“(3)(A) Subject to subparagraphs (B) and (C), for purposes of this subsection, the term ‘benefit month’ means a month for which an individual has—

“(i) attained age 19; and

“(ii) been—

“(I) entitled to a monthly benefit under subsections (a) through (h) of section 202 or section 223(a); or

“(II) eligible for supplemental security income benefits under title XVI.

“(B) The term ‘benefit month’ shall not include any month in which an individual is—

“(i) entitled to a benefit under section 202 that is not payable or reduced to zero by application of subsection (k), (n), (t), (u), (v), or (x) of such section and is not eligible for a benefit under title XVI (or is eligible for a benefit under such title but the benefit is not payable or reduced to zero);

“(ii) eligible for a benefit under title XVI that is not payable or reduced to zero and is not entitled to a benefit under sections 202 or 223 (or is entitled to a benefit under such section 202 but the benefit is not payable or reduced to zero); or

“(iii) subject to a penalty under section 1129A.

“(C) In the case of an individual who is entitled to a monthly insurance benefit described in subclause (I) of subparagraph (A)(ii) on the basis of the wages and self-employment income of more than 1 individual, a benefit month shall be determined based on the wages and self-employment income that are the basis of the largest benefit to which such individual is entitled for such month.

“(d)(1) In no case shall an eligible individual be entitled to more than 1 poverty relief benefit under this section for any month.

“(2) For any month in which an eligible individual is entitled to a monthly benefit described in subsection (c)(1)(A)(i) on the basis of the wages and self-employment income of more than 1 individual, a poverty relief benefit under this section may only be paid for such month on the basis of the wages and self-employment that are the basis for the largest monthly benefit to which such individual is entitled for such month.

“(3) Any amounts provided to an eligible individual pursuant to this section shall not be regarded as income or earnings for purposes of determining the eligibility of the recipient for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds, or the eligibility for or extent of benefits or assistance under such programs of any individual for whom the income of the recipient is counted.”.

(b) RAILROAD RETIREMENT ACT.—Section 19 of the Railroad Retirement Act of 1974 (45 U.S.C. 231r) is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) by inserting after subsection (c) the following new subsection:

“(d)(1) An individual entitled to an annuity component computed under section 3(a)(1), 4(a)(1), or 4(f)(1) of this Act shall be entitled to the benefit described in section 235 of the Social Security Act, subject to the requirements and conditions set forth therein.”; and

(3) in subsection (e), as so redesignated, by striking “subsection (a), (b), or (c)” each place it appears and inserting “subsection (a), (b), (c), or (d)”.

(c) SOURCE OF FUNDS.—Subsection (h) of section 201 of the Social Security Act (42 U.S.C. 401) is amended to read as follows:

“(h)(1) Benefit payments required to be made under section 223, and benefit payments required to be made under subsection (b), (c), or (d) of section 202 to individuals entitled to benefits on the basis of the wages and self-employment income of an individual entitled to disability insurance benefits, shall be made only from the Federal Disability Insurance Trust Fund. All other benefit payments required to be made under this title (other than sections 226 and 235) shall be made only from the Federal Old-Age and Survivors Insurance Trust Fund.

“(2) Any benefit payment required to be made under section 235 to an individual entitled to

a poverty relief benefit under such section shall be made—

“(A) in the case of an individual who is also entitled to a benefit under section 202 or 223, from the same trust fund from which the individual’s benefit under section 202 or 223 is made; and

“(B) in the case of an individual who is not entitled to a benefit under section 202 or 223, from funds appropriated for such purpose pursuant to the authorization of appropriations in section 1601.”

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1601 of the Social Security Act (42 U.S.C. 1381) is amended by striking “there are authorized” and all that follows through the period and inserting the following: “and to make poverty relief benefit payments under section 235 to individuals who are described in section 201(h)(2)(B), there are authorized to be appropriated sums sufficient to carry out this title and make such payments.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to benefits payable for months beginning after November 2018.

By Mr. CORNYN (for himself, Mr. MANCHIN, Mr. TILLIS, and Ms. HARRIS):

S. 2664. A bill to reform the GEAR UP program; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2664

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 “GEAR UP for Success Act of 2018”.

SEC. 2. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS AMENDMENTS.

Chapter 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) is amended—

(1) in section 404A (20 U.S.C. 1070a–21)—

(A) in the matter preceding subparagraph (A) of subsection (a)(1), by inserting “for college readiness” after “academic support”; and

(B) in subsection (b)—

(i) by striking paragraph (3) and inserting the following:

“(3) **PRIORITY.**—In making awards to eligible entities described in subsection (c), the Secretary—

“(A) may give a competitive priority—

“(i) to eligible entities that—

“(I) on the day before the date of enactment of the GEAR UP for Success Act of 2018, carried out successful educational opportunity programs under this chapter (as this chapter was in effect on such day); and

“(II) have a prior, demonstrated commitment to early intervention leading to college access and readiness through collaboration and replication of successful strategies;

“(ii) to eligible entities that ensure that students served under this chapter on the day before the date of enactment of the GEAR UP for Success Act of 2018 continue to receive assistance through the completion of secondary school; or

“(iii) to eligible entities that meet the requirements of clauses (i) and (ii); and

“(B) shall not give a competitive priority on any other basis.”; and

(ii) by adding at the end the following:

“(4) **MULTIPLE AWARD PROHIBITION.**—Any eligible entity described in subsection (c)(1) that receives a grant under this chapter shall not be eligible to receive an additional grant under this chapter until after the date on which the initial grant period expires.”;

(2) in section 404B(d)(1) (20 U.S.C. 1070a–22(d)(1))—

(A) in subparagraph (A), by inserting “and” after the semicolon;

(B) in subparagraph (B), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C);

(3) in section 404C (20 U.S.C. 1070a–23)—

(A) in subsection (b)(1)(A)—

(i) by inserting “matching funds” after “will provide”;

(ii) by inserting “equaling” after “private funds.”; and

(iii) by striking “the cost of the program, which matching funds” and inserting “total Federal grant award, which”; and

(B) by striking subsection (d) and inserting the following:

“(d) **PEER REVIEW PANELS AND COMPETITIONS.**—The Secretary—

“(1) shall convene peer review panels to assist in making determinations regarding the awarding of grants under this chapter; and

“(2) shall host a grant competition to make new awards under this chapter in any year in which there are funds available to make new awards.”;

(4) in section 404D (20 U.S.C. 1070a–24)—

(A) in subsection (b)—

(i) in paragraph (1), by striking “or former participants of a program under this chapter” and inserting “; former participants of a program under this chapter, or peers and near peers” after “adults”;

(ii) in paragraph (3), by inserting “academic, social, and postsecondary planning” after “supportive”;

(iii) in paragraph (10)—

(I) by redesignating subparagraphs (E) through (K) as subparagraphs (F) through (L), respectively;

(II) by inserting after subparagraph (D) the following:

“(E) counseling or referral services to address the behavioral, social-emotional, and mental health needs of at-risk students.”;

(III) in subparagraph (I), as redesignated by subclause (I), by inserting “, cognitive, non-cognitive, and credit-by-examination” after “skills”;

(IV) in subparagraph (K), as redesignated by subclause (I), by striking “and” after the semicolon;

(V) in subparagraph (L), as redesignated by subclause (I), by striking the period at the end and inserting “; and”;

(VI) by adding at the end the following:

“(M) capacity building activities that create college-going cultures in participating schools and local educational agencies.”; and

(iv) by adding at the end the following:

“(16) Creating or expanding secondary school drop-out recovery programs that allow students who have dropped out of secondary school to complete a regular secondary school diploma and begin college-level work.

“(17) Establishing data collection and data sharing agreements to obtain, analyze, and report postsecondary outcome data for eligible students for a period of not more than 72 months after the end of the grant award period, which may include postsecondary enrollment, persistence, and completion data.

“(18) Establishing or maintaining an agreement with a consortium of eligible entities described in section 404A(c) to—

“(A) foster collaborative approaches to research and evaluation;

“(B) improve the quality of data collection, data sharing, analysis and reporting; and

“(C) apply evidence to improve programs and evaluation under this chapter.

“(19) Providing services under this chapter to students who have received services under a previous grant award under this chapter but have not yet completed grade 12.”;

(B) in subsection (c)—

(i) in paragraph (3), by inserting “and technical assistance” after “support”; and

(ii) by striking paragraph (9); and

(C) in subsection (d)—

(i) in paragraph (3), by striking “or”;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3) the following:

“(4) eligible for free or reduced-price lunch under the Richard B Russell National School Lunch Act; or”;

(5) in section 404E (20 U.S.C. 1070a–25)—

(A) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting before paragraph (2), as redesignated by clause (i), the following:

“(1) **APPLICATION REQUIREMENTS.**—

“(A) **PLAN FOR MAINTENANCE OF FINANCIAL ASSISTANCE.**—An eligible entity proposing to establish or maintain a financial assistance program providing scholarships for students assisted by the program of the eligible entity under this chapter shall include a plan regarding the financial application program with the application submitted under section 404C.

“(B) **SCHOLARSHIP DETAILS.**—Under a plan described in subparagraph (A), an eligible entity—

“(i) may elect to offer 1 or more types of scholarships; and

“(ii) shall describe, for each type of scholarship—

“(I) the minimum and maximum awards for the scholarships, consistent with section 404E(d), based on criteria and disbursement priorities established by the eligible entity;

“(II) the duration of the scholarships, which may be single-year or multi-year awards;

“(III) the enrollment requirements for participating students, which may include providing scholarships for participating students who are enrolled in an institution of higher education on less than a full-time basis during any award year; and

“(IV) notwithstanding subsection (g), any additional student eligibility criteria established by the eligible entity for earning and maintaining scholarships under this section, including—

“(aa) financial need;

“(bb) meeting participation milestones in the activities offered by the eligible entity under section 404D;

“(cc) meeting and maintaining satisfactory academic milestones; and

“(dd) other criteria aligned with State and local goals to incentivize postsecondary readiness, access, and success.”; and

(iii) in paragraph (3), as redesignated by clause (i), by striking “may award” and inserting “may use not less than 10 percent and not more than 50 percent of funds made available under this chapter to award”;

(B) in subsection (b)—

(i) in the subsection heading, by inserting “STATE” before “LIMITATION”; and

(ii) in paragraph (2), by striking “eligible entity demonstrates” and all that follows through the period at the end and inserting the following: “eligible entity—

“(I) demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section or eligible students have reasonable access to State and local financial assistance programs; and

“(II) describes such means or access in the application submitted under section 404C.”;

(C) in subsection (e)—

(i) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) SCHOLARSHIP PLAN.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall hold in reserve, for the students served by such grant as described in section 404B(d)(1)(A) or 404D(d), an estimated amount that is based on the eligible entity’s scholarship plan described in subsection (a)(1).

“(B) INTEREST USE.—Interest earned on funds held in reserve under subparagraph (A) may be used by the eligible entity to administer the scholarship program during the award period and through the post-award period described in paragraph (4).”;

(ii) in paragraph (2)(B), by inserting “, or been accepted for enrollment,” after “enrolled”; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking “and” after the semicolon;

(II) by redesignating subparagraph (B) as subparagraph (C); and

(III) by inserting after subparagraph (A) the following:

“(B) the costs associated with enrolling in an institution of higher education; and”; and

(D) in subsection (g)—

(i) in paragraph (3)—

(I) by inserting “ or, if the eligible entity chooses, in another program of study or credential program for which an individual could use funds received under a Federal Pell Grant to attend,” before “that is located”; and

(II) by striking “except that, at the State’s option” and inserting “except that, at the eligible entity’s option”; and

(ii) in paragraph (4), by inserting “and qualifies for an award, consistent with the eligible entity’s scholarship plan as described in subsection (a)(1)” after “404D(a)”; and

(6) in section 404G (20 U.S.C. 1070a–27)—

(A) in subsection (b)—

(i) in paragraph (1), by striking “and” after the semicolon;

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

(iii) by inserting after paragraph (2) the following:

“(3) include the following metrics:

“(A) The number of students completing the Free Application for Federal Student Aid under section 483.

“(B) If applicable, the number of students receiving a scholarship under section 404E.

“(C) The graduation rate of participating students from high school.

“(D) The enrollment of participating students into postsecondary education.

“(E) Such other metrics as the Secretary may require.”; and

(B) in subsection (c)—

(i) in the subsection heading, by inserting “AND TECHNICAL ASSISTANCE” after “FEDERAL EVALUATION”;

(ii) in the matter preceding paragraph (1)—

(I) by inserting “after consultation with the community of eligible entities receiving grants under this chapter and” after “Secretary shall.”;

(II) by striking “.075” and inserting “.1”; and

(III) by striking “evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation. Such evaluation shall include a separate analysis of”;

(iii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the margins appropriately; and

(iv) before subparagraph (A) (as redesignated by clause (iii)), by inserting the following:

“(1) provide pre-application technical assistance workshops for eligible entities and potential applicants in any year in which new awards are expected to be made;

“(2) support initiatives designed to improve the research, data collection and infrastructure, and evaluation capacity of eligible entities; and

“(3) evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation. Such evaluation may include a separate analysis of—”;

(7) in section 408H (20 U.S.C. 1070a–28), by striking “2009” and inserting “2019”.

By Mr. McCONNELL (for himself,
Mr. WYDEN, Mr. MERKLEY, and
Mr. PAUL):

S. 2667. A bill to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes; read the first time.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2667

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 “Hemp Farming Act of 2018”.

SEC. 2. HEMP PRODUCTION.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“Subtitle G—Hemp Production

“SEC. 297A. DEFINITIONS.

“In this subtitle:

“(1) HEMP.—The term ‘hemp’ means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(4) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia;

“(C) the Commonwealth of Puerto Rico; and

“(D) any other territory or possession of the United States.

“(5) STATE DEPARTMENT OF AGRICULTURE.—The term ‘State department of agriculture’ means the agency, commission, or department of a State government responsible for agriculture in the State.

“(6) TRIBAL GOVERNMENT.—The term ‘Tribal government’ means the governing body of an Indian tribe.

“SEC. 297B. STATE AND TRIBAL PLANS.

“(a) SUBMISSION.—

“(1) IN GENERAL.—A State or Indian tribe desiring to have primary regulatory authority over the production of hemp in the State or territory of the Indian tribe shall submit to the Secretary, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer

of the State) or the Tribal government, as applicable, a plan under which the State or Indian tribe monitors and regulates that production as described in paragraph (2).

“(2) CONTENTS.—A State or Tribal plan referred to in paragraph (1)—

“(A) shall only be required to include—

“(i) a practice to maintain relevant information regarding land on which hemp is produced in the State or territory of the Indian tribe, including a legal description of the land, for a period of not less than 3 calendar years;

“(ii) a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of hemp produced in the State or territory of the Indian tribe;

“(iii) a procedure for the effective disposal of products that are produced in violation of this subtitle; and

“(iv) a procedure to comply with the enforcement procedures under subsection (d); and

“(B) may include any other practice or procedure established by a State or Indian tribe, as applicable, to the extent that the practice or procedure is consistent with this subtitle.

“(3) RELATION TO STATE AND TRIBAL LAW.—

“(A) NO PREEMPTION.—Nothing in this subsection preempts or limits any law of a State or Indian tribe regulating the production of hemp, to the extent that law is consistent with this subtitle.

“(B) REFERENCES IN PLANS.—A State or Tribal plan referred to in paragraph (1) may include a reference to a law of the State or Indian tribe regulating the production of hemp, to the extent that law is consistent with this subtitle.

“(b) APPROVAL.—

“(1) IN GENERAL.—Not later than 60 days after receipt of a State or Tribal plan under subsection (a), the Secretary shall—

“(A) approve the State or Tribal plan if the State or Tribal plan complies with subsection (a); or

“(B) disapprove the State or Tribal plan only if the State or Tribal plan does not comply with subsection (a).

“(2) AMENDED PLANS.—If the Secretary disapproves a State or Tribal plan under paragraph (1)(B), the State, through the State department of agriculture (in consultation with the Governor and chief law enforcement officer of the State) or the Tribal government, as applicable, may submit to the Secretary an amended State or Tribal plan that complies with subsection (a).

“(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to a State or Indian tribe in the development of a State or Tribal plan under subsection (a).

“(d) VIOLATIONS.—

“(1) IN GENERAL.—A violation of a State or Tribal plan approved under subsection (a) shall be subject to enforcement solely in accordance with this subsection.

“(2) NEGLIGENT VIOLATIONS.—

“(A) IN GENERAL.—A hemp producer in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b) shall be subject to subparagraph (B) of this paragraph if the State department of agriculture or Tribal government, as applicable, determines that the hemp producer has negligently violated the State or Tribal plan, including by negligently—

“(i) failing to provide a legal description of land on which the producer produces hemp;

“(ii) failing to obtain a license or other required authorization from the State department of agriculture or Tribal government, as applicable; or

“(iii) producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration

of more than 0.3 percent on a dry weight basis.

“(B) CORRECTIVE ACTION PLAN.—A hemp producer described in subparagraph (A) shall comply with a plan established by the State department of agriculture or Tribal government, as applicable, to correct the negligent violation, including—

“(i) a reasonable date by which the hemp producer shall correct the negligent violation; and

“(ii) a requirement that the hemp producer shall periodically report to the State department of agriculture or Tribal government, as applicable, on the compliance of the hemp producer with the State or Tribal plan for a period of not less than the next 2 calendar years.

“(C) RESULT OF NEGLIGENT VIOLATION.—Except as provided in subparagraph (D), a hemp producer that negligently violates a State or Tribal plan under subparagraph (A) shall not be subject to any criminal or civil enforcement action by the Federal Government or any State government, Tribal government, or local government other than the enforcement action authorized under subparagraph (B).

“(D) REPEAT VIOLATIONS.—A hemp producer that negligently violates a State or Tribal plan under subparagraph (A) 3 times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.

“(3) OTHER VIOLATIONS.—If the State department of agriculture or Tribal government in a State or the territory of an Indian tribe for which a State or Tribal plan is approved under subsection (b), as applicable, determines that a hemp producer in the State or territory has violated the State or Tribal plan with a culpable mental state greater than negligence—

“(A) the State department of agriculture or Tribal government, as applicable, shall immediately report the hemp producer to—

“(i) the Attorney General; and
“(ii) in the case of a State department of agriculture, the chief law enforcement officer of the State; and

“(B) paragraph (1) of this subsection shall not apply to the violation.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(f) EFFECT.—Nothing in this section prohibits the production of hemp in a State or the territory of an Indian tribe for which a State or Tribal plan is not approved under this section in accordance with other Federal laws (including regulations).

“SEC. 297C. AUTHORITY TO ISSUE REGULATIONS AND GUIDELINES.

“The Secretary shall have sole authority to issue Federal regulations and guidelines that relate to the production of hemp, including Federal regulations and guidelines that relate to the implementation of section 297B.”.

SEC. 3. FUNDING FOR HEMP RESEARCH.

(a) SUPPLEMENTAL AND ALTERNATIVE CROPS.—Section 1473D(c)(3)(E) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(c)(3)(E)) is amended by inserting “(including hemp (as defined in section 297A of the Agricultural Marketing Act of 1946))” after “material”.

(b) CRITICAL AGRICULTURAL MATERIALS.—Section 5(b)(9) of the Critical Agricultural Materials Act (7 U.S.C. 178c(b)(9)) is amended by inserting “, and including hemp (as defined in section 297A of the Agricultural Marketing Act of 1946)” after “hydrocarbon-containing plants”.

SEC. 4. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.

(a) IN GENERAL.—Section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(2) in subsection (b) (as so redesignated), in the subsection heading, by striking “IN GENERAL” and inserting “INDUSTRIAL HEMP RESEARCH”; and

(3) by adding at the end the following:

“(c) STUDY AND REPORT.—

“(1) IN GENERAL.—The Secretary shall conduct a study of agricultural pilot programs—

“(A) to determine the economic viability of the domestic production and sale of industrial hemp; and

“(B) that shall include a review of—

“(i) each agricultural pilot program; and
“(ii) any other agricultural or academic research relating to industrial hemp.

“(2) REPORT.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the results of the study conducted under paragraph (1).”.

(b) REPEAL.—Effective on the date that is 1 year after the date of enactment of this Act, section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) is repealed.

SEC. 5. FEDERAL CROP INSURANCE.

(a) DEFINITION OF HEMP.—Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) HEMP.—The term ‘hemp’ has the meaning given the term in section 297A of the Agricultural Marketing Act of 1946.”.

(b) INSURANCE PERIOD.—Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended by striking “and sweet potatoes” and inserting “sweet potatoes, and hemp”.

(c) SUBMISSION OF POLICIES AND MATERIALS TO BOARD.—Section 508(h) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)) is amended—

(1) in paragraph (1)(B)—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

(B) in the matter preceding subclause (I) (as so redesignated), by striking “The Corporation shall” and inserting the following:

“(i) IN GENERAL.—The Corporation shall”;

(C) in clause (i)(I) (as so redesignated), by inserting “subject to clause (ii),” before “will likely”; and

(D) by adding at the end the following:

“(ii) WAIVER FOR HEMP.—The Corporation may waive the viability and marketability requirement under clause (i)(I) in the case of a policy or pilot program relating to the production of hemp.”; and

(2) in paragraph (3)(C)—

(A) in clause (ii), by striking “and” at the end;

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

(C) by adding at the end the following:

“(iv) in the case of reviewing policies and other materials relating to the production of hemp, may waive the viability and marketability requirement under subparagraph (A)(ii)(I).”.

(d) AGRICULTURAL COMMODITY.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended by inserting “hemp,” before “aquacultural species”.

(e) RESEARCH AND DEVELOPMENT AUTHORITY.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (2), by adding at the end the following:

“(K) WAIVER FOR HEMP.—The Board may waive the viability and marketability requirements under this paragraph in the case of research and development relating to a policy to insure the production of hemp.”; and

(2) in paragraph (3)—

(A) by striking “The Corporation” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the Corporation”; and

(B) by adding at the end the following:

“(B) WAIVER FOR HEMP.—The Corporation may waive the marketability requirement under subparagraph (A) in the case of research and development relating to a policy to insure the production of hemp.”.

SEC. 6. CONFORMING CHANGES TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 102(16) of the Controlled Substances Act (21 U.S.C. 802(16)) is amended—

(1) by striking “(16) The” and inserting “(16)(A) Subject to subparagraph (B), the”; and

(2) by striking “Such term does not include the” and inserting the following:

“(B) The term ‘marihuana’ does not include—

“(i) hemp, as defined in section 297A of the Agricultural Marketing Act of 1946; or

“(ii) the”.

(b) TETRAHYDROCANNABINOL.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)), is amended in subsection (c)(17) by inserting after “Tetrahydrocannabinols” the following: “, except for tetrahydrocannabinols in hemp (as defined under section 297A of the Agricultural Marketing Act of 1946)”.

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act authorizes interference with the interstate commerce of hemp (as defined in section 297A of the Agricultural Marketing Act of 1946, as added by section 2).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 460—CONDEMNING BOKO HARAM AND CALLING ON THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND NIGERIA TO SWIFTLY IMPLEMENT MEASURES TO DEFEAT THE TERRORIST ORGANIZATION

Ms. BALDWIN (for herself, Mr. DURBIN, Mrs. SHAHEEN, Ms. COLLINS, and Ms. WARREN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 460

Whereas Boko Haram is a Nigeria-based militant group with links to al Qaeda in the Islamic Maghreb and the so-called Islamic State;

Whereas Boko Haram is responsible for tens of thousands of deaths, including the targeted killings of civilians, in northeast and central Nigeria over the last several years, and, according to the United Nations High Commissioner for Refugees, has caused the displacement of 2,400,000 people in Nigeria, Cameroon, Chad, and Niger;

Whereas the Department of State designated Boko Haram a Foreign Terrorist Organization in 2013 and supports efforts to defeat Boko Haram with security and development tools;

Whereas Boko Haram rejects modern education and science, is engaged in an armed