The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PLEDGE OF ALLEGIANCE

The Chaplain, Dr. Barry Black, offered the following prayer:

Let us pray.

Our Father in Heaven, who brought creation out of the void and order from chaos, we bless Your Holy Name. Guide our lawmakers. Use their daily experiences of joy and sorrow, pleasure and pain, victory and defeat, for Your glory. Lord, continue to lead them with Your merciful hands, providing for their needs as You direct their steps. Thank You for preparing tables of peace and confidence for us in the presence of our enemies, inspiring us to rejoice because of Your faithfulness. Continue to protect the leaders of our various branches of government with the shield of Your love.

We pray in Your great Name. Amen.

RESERVATION OF LEADER TIME

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.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2019

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6157, which the clerk will now report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6157) making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Pending:

Shelby amendment No. 3695, in the nature of a substitute.

McConnell (for Shelby) amendment No. 3699 (to amendment No. 3695), of a perfecting nature.

McConnell (for Nelson-Capito) amendment No. 3773 (to amendment No. 3696), to require a Comptroller General of the United States report on the implementation of the Military Health System Genesis electronic health record.

McConnell (for Kennedy-Reed) amendment No. 3763 (to amendment No. 3695), to increase funding for the National Suicide Prevention Lifeline.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The majority leader is recognized.

Mr. MCCONNELL, Madam President, the Obama administration’s so-called Clean Power Plan offered a typical story from that era, an innocent-seeming name, a pleasant-sounding objective, but underneath, an intrusive regulatory regime built not on effective policy but on far-left ideology. That is why I am so grateful today that the Trump administration is unveiling its plan to pare back this unfair, unworkable, and likely illegal policy.

Remember, the far left tried to push through radical legislation like an energy tax through the last Congress. Well, enough of us knew it would have hurt American competitiveness, victimized the poor, and done little to actually give the American people a cleaner environment, but instead of learning from those failures, the Obama administration tried to go it alone and impose their radical agenda unilaterally.

The so-called Clean Power Plan they dreamed up would have had no meaningful effect on global emissions. It would, however, have packed up middle-class American jobs and sent them right overseas. It would have piled a heavier burden onto the most vulnerable families. Lower income Americans are hit the hardest when energy costs take off, and this plan was projected to yield double-digit percentage increases in electricity costs of 40 States, of course, including Kentucky.

Unfair, ineffective, unaffordable, more than likely illegal. That is quite the pedigree.

That is why I fought the Obama administration’s entire War on Coal, which was centered around this regulation, tooth and nail. I submitted an amicus brief to the courts when this was challenged for exceeding the scope and intent of the Clean Air Act. I championed legislation to cancel it entirely. On two occasions, I wrote to every Governor in the Nation asking them to not be complicit in implementing this outrageous overreach until the courts had ruled on its legality.

My colleagues and I have been at this for quite some time.

That is why the President’s actions today are so encouraging. Today’s proposed rule is the first step in the process. I look forward to engaging in this process as it moves forward toward a better outcome for Kentucky and for the entire country.

APPROPRIATIONS

Madam President, on another matter, the Senate is considering the eighth and ninth of 12 appropriations measure for fiscal year 2019. They will deliver on most of the important promises we make to the American people.

First and foremost is our promise to defend the Nation and to meet our obligation to the brave men and women who do so, to ensure that if we send them into battle, they will be prepared and equipped to prevail.
Secretary Mattis and our Nation’s top military commanders have made their assessments perfectly clear. Our security and our interests are challenged every day across the globe by a wide array of threats, whether nation states or terrorist groups. They include the destabilizing influences of Iran in the Middle East and Russia in Eastern Europe, the challenges we face on the Korean Peninsula, the security of our allies, and the stability of international commerce in the Pacific. Our leaders have outlined the threats we face and the strategies it will take to check them, but they have also explained how the past decade’s pattern of inconsistent and insufficient funding undermined readiness and borrowed from the future. This Congress and this President are determined to right the ship.

Earlier this year, we did away with the arbitrary spending caps that had cut our military readiness and modernization and passed a defense bill that authorized the largest year-on-year increases in defense spending in 15 years. This week, we have the opportunity to follow through by appropriating the necessary resources.

The appropriations measure before us will support American military installations at home and abroad. My fellow Kentuckians and I are more proud to host installations like Fort Campbell, Fort Knox, and the Blue Grass Army Depot. This legislation supports the most important work that goes on at those facilities and the communities that revolve around them.

Each of my colleagues, I am sure, can offer similar reports of the resources directed to military operations in their States.

Whether they are serving at sea or training with the 101st Airborne Division in Kentucky, our Nation’s men and women in uniform will receive some well-deserved benefits from the legislation we are considering today. That includes expanded access to onbase services for veterans, billions in new funding for housing, support infrastructure, child and health services, and the largest pay raise for our military personnel in nearly a decade.

It is impossible to put a price on the sacrifices warfighters—and their families—make in service to our Nation, but I do want to point out the support they deserve on behalf of a grateful nation, and that is precisely what this legislation will do.

I thank Senator SHELY and Senator DURBIN, who led this bill through the subcommittee process. I urge my colleagues to join me in supporting this bipartisan measure when the time comes to pass it.

**ECONOMIC GROWTH**

Madam President, on one final matter, our servicemembers will not be the only group to get pay raises. The support they deserve on behalf of a grateful nation, and that is precisely what this legislation will do.

I thank Senator SHELY and Senator DURBIN, who led this bill through the subcommittee process. I urge my colleagues to join me in supporting this bipartisan measure when the time comes to pass it.
It doesn’t stand to reason that the United States of America, with all of its strength and all of its innovation and all of its ingenuity, is being challenged in the world by countries that are spending a fraction of what we spend.

The conclusion is obvious, our large increase of military spending calls for more accountability on how these funds are being spent. I voted for Secretary Mattis. I respect him very much, I was honored to have direct conversations with Secretary Mattis about my concern that we are dramatically increasing American spending over our adversaries and still believe they have a competitive edge or a near-competitive edge in many critical areas. Secretary Mattis correctly assessed in this report that the Pentagon needs a culture of performance and accountability in order to increase the trust and confidence that the American people place in our Department of Defense. I have a lot of faith in him, and I believe he has a steady hand in an administration where there aren’t too many steady hands.

In March, Secretary Mattis sent a memo to every member of the Department of Defense, and here was the title: “Be Peerless Stewards of the Taxpayers’ Dollars.” I have had the opportunity to have direct conversations with Secretary Mattis on both occasions, and I believe he has a steady hand in an administration where there aren’t too many steady hands.

We also have a procurement system—a purchasing system—that sadly encourages poor behavior and poor results. I asked Dr. Michael Griffin, the top research and development official in the Department of Defense: Why do we spend so much more in the United States and continue to fail behind?

He said that many members of the Department of Defense are Keynesians, and they think they are in the涝$y years. He said that the last to say yes to a program that may not succeed. Too many decisions are pushed up the bureaucratic ladder to higher levels, which strangles these programs in redtape and delays them even more. If something goes wrong, failures are the subject of heated congressional hearings. We have seen that over and over—from $20,000 toilet seats and similar scandals in the past.

I agree with Dr. Griffin’s findings. The Department of Defense needs to do so much more to change the culture of accountability at that agency. We need to establish a new spirit of transparency. Right now, every weapon system—every single one of them—is sold to Congress with a ros$y scenario: technological breakthroughs at a modest cost. There is no difference between the sales pitch on a program that is easy to develop and one that is a giant risk.

The Department of Defense needs to be more upfront and more candid with what can go wrong and what will happen if something does go wrong. Very often, the contentious hearings that Dr. Griffin spoke about are not the result of a failed test but a broken promise.

While the Pentagon has much work ahead of it to improve its accountability, the world does stand still. The Defense appropriations bill before the Senate includes funding for our National Institutes of Health. For the past 6 years, I have made this the focal point of my work here in the Senate. I don’t take particular credit for the results, but I have done my darndest to encourage my colleagues on both sides to make this a priority, and I am happy to report that they have.

For the fourth year in a row, Congress is on track to provide the National Institutes of Health with funding increases of at least 5 percent in real growth—a $2 billion increase in this bill. In the fiscal year 2019 Labor, Health, and Human Services, and Education appropriations bill before the Senate, we will help to ensure that our NIH best and brightest researchers have the funding they need to conduct research on the diseases and conditions that impact every single American.

NIH researchers are currently trying to develop cures for cancer, to figure out developments to delay or prevent the threat of Alzheimer’s, and to help better those living with heart disease or diabetes.

Between 2010 and 2016, the Food and Drug Administration approved 210 new drugs in that 6-year period of time for treatments in the United States. Every single one of these new drugs was developed with funding by the National Institutes of Health.

I hope, as we move forward to conference with the House on this bill, that we can include at least a 5-percent funding increase for the Centers for Disease Control and Prevention, as well as other agencies that allow researchers to literally lead the world in medical innovation.

This bill provides $3.7 billion for the prevention and treatment of the scourge of opioid addiction. It will help our Federal agencies to respond better to this ongoing public health challenge. It includes provisions I requested to help the CDC address the toll of violence in the city of Chicago and assist with the Legionnaires’ disease outbreak in Quincy, IL. It rejects President Trump’s efforts to slash the Federal-Work Study Program and includes an increase in the maximum Pell grant of $100. It includes $5 million for the Open Textbooks Pilot Program, helping college students across America with the exploding cost of higher education.

It is a good bill, and I want to commend Senator Patty Murray of Washington, the Democrat, and Senator Roy Blunt of Missouri, the Republican, for crafting the bipartisan fiscal year 2019 Labor, Health and Human Services, and Education appropriations bill. I do think we should be addressing the skyrocketing drug costs that every single
American is well aware of. It is something we all talk about, but the underlying bill doesn’t address it. I filed a bipartisan amendment with my friend and colleague from Iowa, Republican Senator Chuck Grassley, to improve price transparency and direct-to-consumer advertising.

If I ask you whether you have seen any ads for drugs on television and you answer no, then, I know automatically that you don’t own a television because the average American sees a drug ad on average nine times a month. Why do the drug companies spend so much money advertising on television in the United States? Doesn’t every other country do the same? No. It turns out that the United States and New Zealand are the only two countries that allow pharma, drug companies, to advertise their products on television directly to consumers.

Why would pharma spend $60 billion a year on advertising so many different ways to buy their drugs? Because it is profitable. Americans, finally, after the fifth, sixth, seventh, or eighth time they have seen it can not only pronounce but even spell Xarelto. When they go to the doctor’s office, they may ask for maybe a little different blood thinner; maybe I need Xarelto.

Xarelto turns out to be the brand name of a very expensive prescription drug.

What about the drug Humira? How many ads have you seen for the drug Humira? You can’t escape them. It is the most advertised treatment on television. Humira was designed to deal with rheumatoid arthritis, a very serious illness that many Americans face. When they come to the doctor’s office, they may need another type of the American people, incidentally, agree with that position.

This amendment is bipartisan and is supported, incidentally, by 76 percent of Americans, the American Association of Retired Persons, the American Medical Association, and—hold on to your hat—President Donald Trump supports this provision as well. We have an amendment that is bipartisan and is supported by the administration that type of the average person, incidentally, agree with that position.

I will be filing an amendment to increase the funding for this Centers for Disease Control’s work on congenital heart disease, the most common and deadliest category of birth defects. I will be filing an amendment to increase the funding for this program from $4 million to $7 million—a modest amount in a bill of billions of dollars but one that would help 2.4 million Americans living with congenital heart disease.

**STUDENT LOAN DEBT**

Madam President, I also plan to file 2 amendments of the 44 million Americans who are struggling with student loan debt by bringing sanity to the way student loans are treated in bankruptcy.

Unlike most types of debt, student loans are extremely difficult—almost impossible—to discharge in bankruptcy. Why? There are two reasons. A debtor has to meet a high bar of showing “undue hardship” in order to get student loans discharged, and the Department of Education pays private contracting firms to fight the students tooth and nail in court if they try to seek a discharge of their student debt because of undue hardship.

My amendments would bar the use of Federal funds to pay these contractors who contest undue hardship claims in bankruptcy court when the claims are brought by certain student debtors.

Listen to the categories of people we have included in our amendment. People I think would be deserving of discharge of their student debts in bankruptcy court: No. 1, veterans who have been deemed unemployable because of a service-connected disability; No. 2, family members of the elderly or disabled family members; No. 3, people receiving Social Security disability whose only income is Social Security payments; and No. 4, borrowers who have finished school but have spent at least 5 years at a low income of less than $24,000 a year.

These are four of the categories of people we think deserve a break when it comes to student loan debt. I hope my colleagues will join me in helping disabled veterans and their caregivers and the others included in this amendment.

A second amendment would focus exclusively on disabled veterans and family caregivers.

Finally, I will file two amendments to protect students from our Secretary of Education, Betsy DeVos. Secretary DeVos is planning to repeal or rewrite Obama-era borrower defense and gainful employment rules that help students and taxpayers avoid being cheated by for-profit colleges and universities.

Do you want to know the story on for-profit colleges and universities? You need to know only two numbers: only 9 percent of all post-secondary students attend for-profit schools—University of Phoenix, DeVry, and similar schools; 9 percent of students go to that type of school, yet 46 percent of all student loan defaults are from students who attend these for-profit schools. Why—9 percent of the students, 33 percent of the student loan defaults? There are two reasons. No. 1 is they charge too darn much. They are charging more than other alternative education at the higher education level. Secondly, their diplomas aren’t worth the paper they are written on. These students learn after they graduate that they can’t get a job to pay back the loans they accumulated.

So I think in this situation Secretary DeVos is doing exactly the wrong thing. She is not holding these schools accountable. She is making it tougher for the students who are lured into their traps to get relief. I am pleased that many of my colleagues have joined in this effort. The Secretary of Education should not roll back important protections for students and taxpayers, and the Secretary should not eliminate Federal student debt relief for borrowers defrauded by predatory for-profit schools like Corinthian and ITT Tech. It is my hope that these amendments will be included in the final bill.

Madam President, once again, the Senate is considering bipartisan appropriations bills. These bills may not include everything I want or everything other Members want. They are good compromises, which I plan to support. I yield the floor.

I suggest the absence of a quorum.

**RECOGNITION OF THE MINORITY LEADER**

The PRESIDING OFFICER. The Democratic leader is recognized.

**NOMINATION OF BRETT KAVANAUGH**

Mr. SCHUMER. Madam President, today, President Trump’s nominee for the Supreme Court will be making the rounds in the Senate. I will be meeting with him this afternoon. Several members of the Judiciary Committee will be meeting with him over the course of the next couple of days, and I expect the rest of the week, as will some other Members.

I hope he comes prepared to answer direct questions about his writings,
speeches, opinions, and judicial philosophy. The nominee has weighed in on a number of legal issues publicly and in his role as a circuit judge. There is little reason why he should be unable to answer direct questions about his judicial philosophy, his record, and already decided cases.

I also hope that he is willing to shed some light in the areas in his record that remain opaque. The Senate and the public have been able to see only a tiny fraction of the nominee's extensive written record because, unfortunately, the Republican majority continues to block access to the great bulk of these documents. I will ask our Republicans: What are they hiding?

We did make a little progress last night after the Parliamentarian ruled that the rules of the Senate allow every Senator to see the committee documents. Chairman GRASSLEY graciously agreed that any committee member could see them without muss or fuss. So we very much appreciate that.

The next Supreme Court Justice, whether it is Judge Kavanaugh or not, will have immense influence over the lives of every American for generations to come. Most Americans think this is sort of an abstract or political argument. It is not.

The actual rulings of Kavanaugh will affect just about everyone’s life in America. These decisions matter and count in real, concrete ways. The next Supreme Court Justice may someday determine whether the President must comply with a duly issued subpoena. The next Supreme Court Justice may someday soon determine whether Americans with preexisting conditions will be able to afford healthcare. The next Supreme Court Justice may someday soon determine just how much States can restrict a woman’s constitutionally guaranteed right to make her own medical decisions, to say nothing of her right—civil right—to vote, her voting rights, environmental protections, and more.

All of these things, part of the wellspring of America, are affected by the Supreme Court's rulings. As we know, Judge Kavanaugh will be a crucial vote on just about every one of those issues with the 4-to-4 division on the court today.

Judge Kavanaugh, in his meetings with Senators today and the days ahead, has a responsibility— a responsibility—not to duck, not to hide behind false legal shibboleths or say: Oh, I just can’t discuss this; a case might come in court. What an abomination. Just about every American has someone in their family—many in their immediate family—who has an illness. Someone might have diabetes. Someone might have asthma and, God forbid, something with preexisting conditions. That family will not be able to get health insurance. That family risks that their present insurance will expire and they will not get anything new.

This administration is trying to take away that protection so important to so many Americans. That is what is happening, so Senators MANCHIN and CASEY have introduced a resolution asking the Senate to defend the law since the administration will not. I hope we get a vote on that resolution soon. I don’t see how anyone couldn’t be for it.

Sadly, the Justice Department’s decision to abandon protections for preexisting conditions is far from the only reason we can talk about good healthcare and the sabotage of our healthcare system. Over and over again, he has tried to undo the healthcare Americans have without even understanding what he is really doing.

On day one, President Trump issued an Executive order aimed at the healthcare law. It was the very first thing he did. He then proposed legislation with congressional Republicans to repeal the healthcare law, devastate Medicaid, and eliminate protections for tens of millions of people with preexisting conditions. That failed, but congressional Republicans managed to repeal the coverage requirement in their tax bill, of all places, and put nothing in its place, causing unnecessary premium increases across the country.

Americans know, as their premium increases gallop upward, that it is Republicans in the Senate and President Trump in the White House who have caused this to happen. Now he continues to do that. He has expanded the availability of junk insurance plans that bait Americans in with lowest rates while providing only the flimsiest of coverages.

Again, if these junk insurance plans become the law, the rule, the mode, so many people will lose their ability to protect themselves when they have preexisting conditions.

These actions by President Trump, aided, abetted, and encouraged by congressional Republicans who either agreed with him or failed to challenge him meaningfully, have had devastating results for so many Americans.

Premiums have risen by double digits in a bunch of States, the direct result of Republican sabotage. And the insurers themselves—they are the ones who have raised the rates, but they say: Hey, it is Republicans in the House, Senate, and the White House who are causing it. Those insurance industries don't tend to favor Democrats, but they have to protect themselves and their investments.

Prescription drug costs continue to rise. After promising tough action on prescription drugs, the President and congressional Republicans have hardly lifted a finger. The United States is not last—dead last—among industrialized nations in maternal mortality. The United States is the only industrialized country in the world with rising maternal mortality rates. Despite all of our advances in genetics, nutrition, and surgery, the United States is getting worse at caring for mothers. We should hang our heads in shame about that. We should do something about it.

Come on, Republican colleagues. Your voters are no different from our voters and independent voters. They care about good healthcare at an affordable cost. Please, do something about it. Join us.

But instead of grappling with these problems and proposing solutions, President Trump and congressional Republicans continue to push for over-good healthcare at an attack after attack on our healthcare system, particularly women’s health. That worked in the 2016 campaign because they said that they had a plan to replace it with something better. No plan, plan not working for them now. It is just not working for them.

The American people overwhelmingly prefer Democrats to Republicans on healthcare, and healthcare is the No. 1 issue in State after State after State. So for their own political benefit, Republicans in the Senate and in the House ought to wake up—wake up— because the old playbook that may have worked in 2014 and 2016 when you were in charge—it was a Democratic President and a Democratic Senate for part of that time—ain’t no more. You are in charge, and you put nothing in its place—nothing. There is just negativeness.

In poll after poll after poll, the American people say that healthcare is the No. 1 issue. They don’t want to go back to a time before we offered protections for Americans with preexisting conditions. They don’t want to go back to a time when insurance companies charged women and seniors and older Americans more for the same exact coverage. They don’t want to go back to a time when insurance companies could deny maternity care, mental health treatment, prescription drug coverage, and more, but that is where President Trump and our Republican colleagues want to take us. I say to all those blue-collar folks who voted for President Trump: He promised you better healthcare. Is he delivering it? Go look at your bills—Go look at your bills. Go look at healthcare. If he is not, maybe you will help bring some change to Washington—real change—so that your
healthcare costs will be lower and your healthcare will improve.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. ALEXANDER. Madam President, the Senate has developed a bad habit. That bad habit is treating Presidential nominees as innocent until nominated. I hope to see better behavior during the next few weeks as the Senate begins hearings on President Trump’s nomination of Judge Kavanaugh to be a member of the U.S. Supreme Court. Instead of treating Judge Kavanaugh as someone recently released from San Quentin prison, I hope we treat him with dignity and respect so Americans can better understand his temperament, his intelligence, and his character. That is what we should want to know about a Presidential nominee for the Supreme Court.

The current rudeness is a recent phenomenon. Historically, Senators have recognized that bipartisan approval of qualified nominees helps improve the esteem of the Court. It confirms its impartiality. It strengthens it as an institution. For example, conservative Justice Antonin Scalia was confirmed unanimously by this body even though he was perhaps the most conservative Justice on the Court. On the other hand, Justice Ruth Bader Ginsburg was confirmed with only three votes against her even though she may arguably be the most liberal Justice on the Court. Both were obviously well qualified, of good character, high intelligence, and good demeanor, and therefore the Senate—unanimously in one case and with only three “no” votes in the other case—confirmed the President’s nominees.

More recently, half the Democratic Senators voted to confirm President Bush’s nominee Chief Justice John Roberts. In 2014, I voted to confirm President Obama’s nominee, Sonia Sotomayor, not because I agreed with her but because I thought she was obviously well qualified for the position.

Some Senators insist that Judge Kavanaugh should tell them how he might decide a case. That reminds me of a story from Senator Howard Baker, the former majority leader of the U.S. Senate, who was a practicing lawyer in the mountains. He said he was once before a judge who told the lawyers right before the case: “Boys, just give me a little bit on the law. I had a telephone call last night, and I pretty well know the facts.” Judges aren’t supposed to decide a case in advance of hearing arguments—just to create an impartial judicial system.

Justice Ginsburg said during her confirmation that she would give “no hints, no forecasts, no previews” of what her legal views might be if she were to be confirmed. This rule is now known as the Ginsburg rule. Justices are supposed to follow the law and decide cases when the cases are presented, not before Justices are confirmed or while they are being confirmed.

Of course, a Justice’s opinions and decisions can be surprising. That has been true throughout the history of the Supreme Court. President Franklin D. Roosevelt’s nominee Justice Felix Frankfurter. Justice Scalia once ruled that a government ban on flag-burning violated the First Amendment. Scalia also said that “the judge who always likes the results he reaches is a bad judge.”

In 2006, I voted for Judge Kavanaugh when he was President George W. Bush’s nominee for the U.S. Court of Appeals for the District of Columbia Circuit.

Last month, I attended President Trump’s nomination of Judge Kavanaugh at the White House. It is said that you only get one chance to make a first impression, and Judge Kavanaugh certainly took advantage of his one opportunity last night.

I was again impressed with Judge Kavanaugh when I visited with him in my office a few weeks ago. We discussed federalism, how to strengthen the Supreme Court as an institution, and other matters. Never once did I ask him how he might vote on a particular case.

I will not announce how I will vote on his nomination until the hearings are complete. Some Democratic Senators have already announced their opposition to Judge Kavanaugh. I wonder, why have a hearing? Why ask for more records to examine if you have already decided how you are going to vote?

During my 8 years as Governor of Tennessee, I appointed probably 50 judges. In doing so, I looked for the same qualities I will look for in considering the nomination of Judge Kavanaugh: intelligence, character, temperament, respect for the law, and respect for those who come before the Court. I did not ask one applicant to be a Tennessee judge, of that entire 50, how he or she might rule on abortion or immigration or taxation. And political party membership was far down my list of considerations when I had the job, as the chief executive of a State, of appointing judges.

I hope the Senate will return to the practice of inquiring diligently about the qualifications of a nominee, about intelligence, about character, about temperament, and get away from this bad habit of treating Presidential nominees for the Supreme Court as if they had just been released from San Quentin and as if they were innocent until nominated.

I thank the President. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3829

Mr. ENZI. Mr. President, I rise to offer an amendment aimed at helping to avoid future mandatory spending increases on appropriations bills. Before I do so, I would like to again acknowledge the hard work the Appropriations Committee has put into the fiscal year 2019 spending bills.

We have made significant progress so far this year, particularly considering that this is the first Labor, Health and Human Services, and Education appropriations bill to be brought to the Senate floor for amendment in nearly 11 years. I commend the committee and its leaders for their efforts and the spirit of cooperation that has made this feat possible.

As it stands now, this appropriations bill is subject to a point of order under section 314 of S. Con. Res. 78, the fiscal year 2019 budget resolution, authored by former Democratic Senator and Budget Committee chairman Kent Conrad. That point of order aims to prevent mandatory spending increases on appropriations bills. My amendment would remove this violation while maintaining the proposed increase to the maximum award.

The amendment I am offering relates to the budgetary effects of the substitute amendment’s proposed increase to the maximum discretionary Pell Grant award for the award year 2019–2020.

If anybody has been able to follow that so far, you ought to be on the Budget Committee. Now I am going to give you a lot more detail that will be equally as difficult, because it needs to be a part of the record to show why we need the amendment that I am talking about in order to avoid a point of order and to get the increase for this year that is being requested.

As former chairman of the HELP Committee, I understand how important Pell Grants are in making college more affordable and accessible, especially for students from my home State of Wyoming. That is why I want to be very clear that my amendment would not cut Pell Grant funding for the 2019–2020 award year or prevent future increases in the maximum annual award. My amendment simply deals with how we account for such increases in the Federal budget.

First, a little background may be helpful on the Pell Grant program, which has one of the most complicated funding profiles in the entire Federal budget. The Pell Grant program is funded by a mix of annual discretionary appropriations, a so-called mandatory add-on award, and a permanent mandatory funding stream. My
amendment deals with the interaction between the discretionary and the mandatory add-on funding streams.

Each year, the Appropriations Committee includes a provision in the Department of Education spending bill specifying the maximum discretionary Pell Grant award for the upcoming award year. The substitute amendment would increase that maximum award for the award year 2019–2020 by $100 to $5,135, adding $351 million to mandatory spending. That this increase, which follows a $175 increase to the maximum award provided in fiscal year 2018, will increase mandatory spending on the add-on by $39 million in fiscal year 2019. It is pretty complicated. There are a lot of dollars, a lot of different places.

Even though the substitute specifies the maximum discretionary award is $5,135 for award year 2019–2020, under scoring rules—that is how we keep track of how much money we are going to owe—the CBO has to assume this maximum award extends through 2028. That means the $39 million annual mandatory cost of this provision also extends through 2028, giving it a 10-year score of $390 million. The substitute amendment includes an offset for the $39 million cost in the first year but leaves the remaining $351 million in mandatory spending scored to the fiscal year 2019 bill unpaid for. Again, under scoring rules, once that $351 million in estimated future spending is incorporated into the baseline, it will not be subject to budget enforcement in future years and will never need to be paid for. That is a problem we face regularly around here, and this is the problem my amendment aims to address.

My amendment would maintain the maximum discretionary award for 2019–2020 to $5,135, preserving the $100 increase proposed by the Appropriations Committee, while it would prevent the estimated $351 million increase in estimated future spending from being rolled into the baseline where it could escape enforcement or even notice in future years. It would require Congress to offset future mandatory spending increases just as the substitute amendment would do for the first year. If we can do it now, we should be able to do it in the future.

Let me repeat. My amendment would not reduce the maximum Pell grant for the 2019–2020 award year or prevent future increases to the maximum award. In fact, it would maintain the proposed increase to the maximum Pell grant for the 2019–2020 award year.

Let me repeat. As it now stands, this appropriations bill is subject to a point of order under section 314 of S. Con. Res. 17, the fiscal year 2009 continuing resolution, which was authored by former Democratic Senator and Budget Committee Chairman Kent Conrad and passed. That point of order aims to prevent mandatory spending increases on appropriations legislation. My amendment remedies this violation while maintaining the proposed increase to the maximum award.

This is just a good-government amendment, and I urge my colleagues to support it. Let’s not be spending into the future until we know where the money is coming from. Let’s go ahead and make the award for this year, and let’s find a way to pay for it next year.

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. BLUNT. 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. BLUNT. Mr. President, this is the first time in 11 years that the chairman of the Labor, Health and Human Services, and Education Subcommittee has had a chance to stand on the floor and talk about the bills. It is a subcommittee that I am honored to chair. As a subcommittee member, I am honored to get to serve on that committee with the Presiding Officer. It is a subcommittee that is led on the other side by Senator Murray from Washington, the ranking member on the committee.

This is not a bill that either Senator Murray nor I would have drafted on our own, but our job was not to draft a bill that I thought was the perfect bill to perfect me to vote for, but for all of these agencies to be run. There is a reason that this bill has not been on the floor in 11 years. It is big. It is complex. It can be contentious. But Senator Shelby, the chairman of the full committee, and Senator Leahy, the lead Democrat on the full committee, have made an incredible, good-faith effort to come to the floor with a bill that focuses on how we spend the money. There is not much new in this bill about all of the things we could try to determine about social policy and about issues that all of us feel strongly about, but there are other committees whose principal job is to do that. Our committee’s principal job is to decide how we establish the priorities for the country and how we spend the money.

Senator McCaskill and Senator Schumer have also both had to agree that if we are going to get these appropriations bills, if we are going to have all of the Members of the Senate—for the first time, in the case of this bill—get a chance to debate this bill for the first time in 11 years, that is not going to happen if we try to have a big authorizing bill and a big appropriations bill all wrapped into one.

I see the ranking member has come to the floor right after I praised him and Senator Shelby for the unique leadership they have had that has allowed us to get this bill on the floor.

This bill deals with everything from medical research to home energy assistance, to employment opportunities, training programs, and Pell grants for people who are trying to go to college who don’t have the resources that would allow them to do that otherwise. It is the largest of the nondefense discretionary bills. About 30 percent of all of the nondefense spending is in this one bill.

We take that bill and add it to the defense spending bill, and suddenly we are looking at roughly 62 percent of all of the spending of the Federal Government. That still sounds like a pretty big bill, but it is the first time in the history of the Labor, Health and Human Services, and Education Subcommittee—and then we have that unique add-on, “and Related Agencies,” just to get the footprint even a little bigger—in over a decade that Members have been able to come to the floor and say: No, we would like you to spend the money here rather than there.

By the way, as the Presiding Officer understands, to do that, that Member also has to say: Here is where we are going to take the money from to pay for it.

So it is not just on the floor and you get to make up all of the spending you want to that those of us on the appropriating committee didn’t have a chance to do. There is still a finite amount of money.

So for the Presiding Officer’s amendment, the Kennedy amendment, which will be offered right after we finish this morning’s discussion and go to votes, is not going to come up with an amount of money to pay for that.

I am fully supportive of the amendment that he and Senator Reed came up with to deal with the pressing issue of suicide prevention and the disturbing suicide rates. In my State of Missouri, suicide rates have increased by 36 percent above where they were in the year 2000—a 36-percent increase. Too many of those are our veterans. Too many of those are people who serve on the frontlines of homeland security, police, and veterans. All of that is something we need to look at. Here is the Presiding Officer’s opportunity, which he took, to say: No, I think there is a better way to spend some of this money than how the committee spends it. That is what we missed for the last 11 years, when 69 of the Senators didn’t have any say as to what the 31 of us who serve on the Appropriations Committee need to debate and talk about.

So we now bring this bill to the floor. There were 6,164 ideas that came to the Appropriations Committee need to debate and talk about. There were 6,164 ideas to Senator Murray and me—6,164 Member requests of ideas as to how this could be the best possible bill. I think most of those are reflected in what we did.

In this bill, we talk about fighting the opioid epidemic. We talk about promoting college affordability, strengthening the workforce, and having people better prepared for the jobs that are out there to be filled than they would otherwise see.

How to do both sides would approach drafting this bill differently. We would both start out with some significantly different sets of priorities. We have
been able to reach an agreement that neither of us would have drafted on our own, but that is not the job that we were given. We have been able to present a bipartisan bill to the full committee and have that bill referred out of the full committee with 30 ‘yea’ votes and no ‘nay’ votes, and now we are bringing that bill to the Senate floor.

It represents a compromise on both sides. It represents taking a step back on issues that authorize on both sides, which we can deal with at a later time. I certainly appreciate not just the leadership of Senator LEAHY and the leadership of Senator SHELBY but also the leadership of Senator MURRAY in helping to determine what those priorities would be and should be.

I see Senator LEAHY is standing on the floor, and I am glad to yield to him for a comment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I just want to commend what the Senator from Missouri just said. He has had a lot of experience in the other body and here in the Senate. He and I have been here since a time when we actually voted on these bills and got them done. I must say, there has been a tremendous help in getting us this far. For Senator MURRAY, because of a very necessary absence, I will manage her part of this bill when it is up. She has worked very hard on it. As the Senator from Missouri just said, rewarding the vote we had in the Appropriations Committee, keep in mind that appropriations goes across the political spectrum of both parties, and we reported this bill out of the committee with broad bipartisan support. I commend Senator SHELBY too.

We are opposed to authorizing legislation on the right or the left, unless there is total agreement with everybody, because we want to get these bills done. We have to go to conference with the House when they come back in a few weeks. We want to have a solid vote here.

So I thank the Senator from Missouri for the work he has done. We are getting somewhere. And as someone who has been here for a long time, I am rather happy to see that.

I yield the floor.

I thank the Senator for yielding.

Mr. BLUNT. Mr. President, I thank the Senator for that leadership. Again, this is the first time in over a decade for the 69 people who aren’t on the Appropriations Committee to get to come to the floor and offer amendments and think about what this bill does.

Let’s talk about some of the things it does. We worked really hard over the last 4 years to do the kinds of things we ought to do in healthcare research. This bill, for the first time, reaches a long-held goal of the national plan to add a new cancer’s disease, of getting those annual research dollars up over $2 billion—indeed, $2.34 billion, exceeding what had been a long-term goal.

The goal should not be how much money we spend. It should be finding a way to solve this problem. This is a significant increase over last year. It quadruples where we were 4 years ago. We spent 277 billion tax dollars a year on mental and substance-related disorders. It is a $2.34 billion. So this bill does about 1 percent of that in research to try to solve a problem that taxpayers are overwhelmed by. It is a problem that by 2050, if we don’t find a solution, we will be spending about twice today’s defense budget on Alzheimer’s care, twice today’s defense budget—$1.1 trillion of today’s dollars being spent on Alzheimer’s care if we don’t do what we need to. This is the only leading cause of death that doesn’t have a treatment, doesn’t have a cure. But there is $287 billion. So what this bill does about 1 percent of that in research to try to solve a problem that taxpayers are overwhelmed by. It is a problem that by 2050, if we don’t find a solution, we will be spending about twice today’s defense budget on Alzheimer’s care, twice today’s defense budget—$1.1 trillion of today’s dollars being spent on Alzheimer’s care if we don’t do what we need to. This is the only leading cause of death that doesn’t have a treatment, doesn’t have a cure. But there is $287 billion. So what this bill does is to find more and better ways to, if you will, find a solution. We continue to find money, in many cases by eliminating programs that weren’t working, to where we had a 30 percent increase in NIH funding over the last 4 years. What a 4 years to be doing that—understanding the things we know now about the human genome, understanding how each of us is different than all the rest of us and that, in fact, each of us has a different capacity to fight disease than any other person does. If you can figure out how to maximize that, such as things like immunotherapy in cancer, where 4 years ago, 5 years ago, were largely untreatable—and if they were treatable, they were treatable with radiation and chemotherapy—are now treatable by simply figuring out how, in your own system, you can maximize your ability to fight back. That is the NIH healthcare research kind of victory we need to now continue to find out why it works on some cancers and why it doesn’t work on others.

This kind of research and commitment to NIH not only helps individuals and helps families but, frankly, at a time when healthcare is dramatically changing, has the ability to help our economy. The economy that figures out new ways to be in this healthcare fight is also going to be the economy that has the job opportunities and the transformational opportunities to be part of that.

Not only are we looking at healthcare research, we are also looking at research as it relates to the opioid epidemic. The opioid cost to the economy is now anticipated to be about $500 billion a year in lost work time and other costs related to the opioid epidemic. This bill provides a significant, targeted opioid funding. This is the fourth year in a row we have increased our funding. Again, this is only the second time we have had any money to do it with. We have had to look at programs that weren’t working and cut, reduce, and combine those programs to fight back on the opioid epidemic, which is now, and for a couple of years been, the No. 1 cause of accidental death in the United States. It is the No. 1 accidental cause of death in my State of Missouri. The 73,000 people who died last year with overdoses exceed the number of people who died in car accidents, which for decades had been the No. 1 cause of accidental deaths until opioids replaced it.

We have $1.5 billion available for State opioid response grants. Understanding that every State is different, and frankly the more things we try to have a different way the more likely we are to find the things that work. We have that.

There is more money for community health centers to expand behavioral health and substance abuse disorder programs. There is more money for prevention efforts in the illicit drug space or the drug abuse space, more money to research pain management. Part of the NIH money, at half a billion dollars, is designed to find new ways to research for better pain management and better ways to, if you have become addicted to drugs and opioids specifically, end that addiction in an effective way. There is more money for the hardest hit rural communities. Some of our Members have advocated strongly for a drug problem that is more of a rural drug problem on a per capita basis than it is an urban drug problem.

There is more money for children and families who are at risk by opioids. I saw a news report just this week focusing on kids being raised by their grandparents because their parents wound up with an opioid addiction problem that drove their life in a way their children were not only in danger and ignored but had to go somewhere else.

This bill prioritizes education programs through a student’s life, focusing on kids being raised by their grandparents because their parents wound up with an opioid addiction problem that drove their life in a way their children were not only in danger and ignored but had to go somewhere else.

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decades ago. We continue to make steps in the right direction there, and I think there are substantial steps in this bill.

There is flexible spending so schools can look at more science, math, and STEM education, computer science education, and more ability for schools to take some of their funds and look at school safety. Nobody wants to see kids go to school in an environment that is not as safe as we can possibly make it. This allows more flexibility for school administrators and local school boards to decide how they are going to meet that school safety need.

We looked at impact aid, charter schools, and programs that create both competition and fairness in a way I think people work for will like.

This bill maintains the significant investments made last year on college access. The best way to minimize college debt is to get done, finish. Year-round Pell is something we returned to after several years of having only the normal traditional school year Pell. Year-round Pell is maintained in this as part of our Federal commitment to have people going to school. If you are an adult going back to school, if you are somebody who is a first-time college attorney in your family, if, for whatever reason, you are paying for your own school, the most likely way to get done is don’t interrupt a pattern that is working. This bill allows that to continue.

We also do things that I think better prepare our workforce for the workplace. It is a bill to look forward to working with Members to see how it can be improved, just like the amendment we will be voting on soon that deals with suicide prevention in ways Senator KENNEDY and Senator REED have suggested, and I support.

With that, I will conclude my remarks.

I ask unanimous consent that there be 2 minutes of debate, equally divided in the usual form, prior to the vote on the Kennedy amendment.

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

Mr. BLUNT. I yield the floor.

VOTE ON AMENDMENT NO. 3773

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment No. 3773.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. SCHATZ), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The question is on agreeing to the amendment.

Under the previous order, the question now occurs on amendment No. 3703.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. SCHATZ), and the Senator from New Mexico (Mr. UDALL) are necessarily absent.

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—95

Alexander
Baldwin
Barrasso
Bennet
Blumenthal
Blunt
Boozman
Brown
Burr
Cantwell
Capito
Cardin
Carper
Casey
Cassidy
Collins
Connors
Corzine
Cortez Masto
Cotton
Crack
Cruz
Daines
Donnelly
Enzi
Ernst
Feinstein
Fischer
Mc Cain
Murray
NOT VOTING—5

Udall
Schatz
Daines
Donnelly
Macy
Ernst
Feinstein
Fischer

VOTE ON AMENDMENT NO. 3703

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to the vote.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, my amendment No. 3703 is pretty straightforward. It would increase funding for the National Suicide Prevention Life-line by an additional $2.8 million. It is a bipartisan amendment. It is fully offset. It is not adding money to the budget. I think it will do a great deal to make sure that anyone battling depression knows there is someone out there who is listening. Our National Suicide Prevention Hotline, as you know, supports the national network of local crisis centers. To date, they have answered more than 10 million calls from people in distress, and they estimate that over the next 4 years, they will take 12 million calls. We underfund them. It is embarrassing how much we underfund them.

Again, this will add an additional $2.8 million to their budget, and it is fully offset.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REED. I yield back.

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

All time is yielded back.

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

The PRESIDING OFFICER. Is there a sufficient second?

The amendment (No. 3703) was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:14 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).
Much hyperbole has been spoken about Judge Kavanaugh’s keen observations. Whether you find yourself on the political right or the left, few would dispute his central point—that a government system rendered inoperable by the paralysis of the branches is a threat to the very Republic.

In the weeks since President Trump nominated Judge Kavanaugh for the Supreme Court, special interests have kicked into overdrive, peddling one imagined conspiracy after another. Various, I have heard people suggest that Judge Kavanaugh is a threat to the people of every race, creed, gender, and age. Some have even unleashed prophecies of biblical gloom and doom awaiting the confirmation of a Justice Kavanaugh. Still others have called on opponents of Judge Kavanaugh to use every possible tool to stop his confirmation, including the extreme step of shutting down the government should things not go their way. So, facing a nominee with impeccable credentials, opponents must imagine a bogeyman. Fortunately, people see past those attacks because they are the same attacks they lobbed when President Bush nominated Justice Souter and when President Reagan nominated Justice Kennedy.

Failing at that, some opponents of Judge Kavanaugh’s are hoping to demand an endless stream of documents to delay confirmation proceedings indefinitely. These opponents claim that the process is unfair and lacks transparency, when in reality the opposite is true.

As Chairman Grassley of the Judiciary Committee so eloquently pointed out at a recent Senate Judiciary meeting, none of these criticisms hold any weight.

There will have been 57 days between the announcement of Judge Kavanaugh’s nomination and the date of his confirmation hearing—a longer period than Senators had for Justices Sotomayor, Kagan, and Gorsuch. Judge Kavanaugh has submitted more than 17,000 pages with his bipartisan Judiciary Committee questionnaire, which is the most extensive questionnaire ever sent a nominee. The committee has also reviewed hundreds of pages of documents from Judge Kavanaugh’s service in the executive branch. This, too, is already more than any Supreme Court nominee before him, and documents are continuing to be made available for review.

Chairman Grassley is working tirelessly to make the vast majority publicly available as quickly as possible, and I appreciate and applaud his transparency.

I recognize the politics and the purpose behind these creative but misguided attacks, and so does the American public.

Judge Kavanaugh’s experience and legal background are not in dispute.

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I recognize the politics and the purpose behind these creative but misguided attacks, and so does the American public.

Judge Kavanaugh’s experience and legal background are not in dispute.
Mr. YOUNG. 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. YOUNG. Mr. President, I rise today to speak about Judge Kavanaugh, President Trump’s second nominee to serve on the Supreme Court of the United States.

Judge Kavanaugh’s qualifications are undeniable. He has served over the last 12 years on the U.S. Court of Appeals for the D.C. Circuit that he is well qualified for this next step in his career.

I had the opportunity to sit down with Judge Kavanaugh in my office just last month. He struck me as a man of great character and integrity. He answered questions directly. He spoke forthrightly. He demonstrated, at once, a strong intellect and a deep humility.

I checked, just to make sure I understood. He is someone who understands that the law is written and enforces the Constitution. He values precedent and wrote, demonstrating that he applies the law as written and enforces the Constitution. He has given exhaustive and weighty consideration to important legal questions.

Many critics argue that a Justice Kavanaugh would likely be the key to unlocking any number of Supreme Court precedents. I wonder, though, how well they actually read this book and understand that he is someone who has given exhaustive and weighty consideration to important legal questions. But we should take him at his own words:

The judge’s job is to interpret the law, not to make the law or make policy. So read the words of the statute as written. Read the text of the Constitution as written, mindful of history and tradition. Don’t make up new constants that are not in the text of the Constitution. Don’t shy away from enforcing constitutional rights that are in the text of the Constitution.

Judge Kavanaugh is a respected jurist with a sterling reputation for intellectual rigor and attention to legal detail. He understands the proper role of a judge in our legal system—to fairly interpret the law, not create it. He thinks deeply about the legal questions before him and strives to build consensus on the court.

As stated by his former law clerks, “Judge Kavanaugh never assumes he knows the answers in advance and never takes for granted that his view of the law will prevail.” He actively solicits views from all sides of the argument—all the better to form a lasting and well-reasoned opinion.

I look forward to the Senate Judiciary Committee’s upcoming hearings, when the public can hear directly from Judge Kavanaugh, in his own words, the proper role of a judge in our legal system. I am confident Judge Kavanaugh will demonstrate the rigorous intellect, the fealty to law, and the equipoise temperament that have long defined his career on the bench.

Thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER. The Sergeant at Arms and Chief Legislative Clerk will proceed to call the roll.

The PRESIDING OFFICER. The Senator from Indiana.

The senior assistant legislative clerk will call the roll.
any nomination to the Supreme Court in the history of the United States in this respect: This President made it clear that any person who wanted to be eligible for the U.S. Supreme Court needed to pass a clearance by two organizations. One is called the Federalist Society and the other is the Heritage Foundation. Both of these are conservative organizations which reviewed all of the potential Supreme Court nominees and produced a list of 20 or more men and women who would be eligible for the Supreme Court by their judgment.

Is their judgment important? I will point to one fact in history which illustrates. When Neil Gorsuch was considered by President Trump to serve on the Supreme Court and fill the vacancy of Antonin Scalia, he was not notified by the White House. The White House called the Federalist Society head, Leonard Leo, and asked him to call Mr. Gorsuch and tell him the good news. So to say that the Federalist Society and the Heritage Foundation played a critical role in the selection of a nominee is an understatement. If you don’t clear their background test, their litmus test, you cannot be considered by the Trump administration for the Supreme Court.

That is offensive to me. We don’t see any reference to the Federalist Society or the Heritage Foundation in the U.S. Constitution. There is a clear reference to a President elected by the people of the United States, but to give to any special interest group, right, left or center, that kind of authority is way beyond what our Founding Fathers imagined would be this process for selecting someone for the Supreme Court.

Then it gets even more complicated. Before we consider a nominee for the Supreme Court, we have to carefully review their records. It takes time. Literally, scores of lawyers sit down and go through the published opinions and speeches and other documents which evidence a person’s background, and when it comes to Brett Kavanaugh, it is an extensive background. He has had a role at the highest levels of the Federal Government for years: Ken Starr’s Office of Independent Counsel, the Bush v. Gore lawsuit that went down to the State of Florida and beyond.

The cases he was involved in as a member of the Federalist Society and the Heritage Foundation played a critical role in the selection of a nominee. When Elena Kagan was asked to produce her documents from the time she served as Staff Secretary to the President of the United States—were extensive. For a 3-year period of time, for 35 months, he was the gatekeeper in the White House as to the documentation the President would receive and read. It involved a pretty massive amount of time and documentation on all of the major issues facing the Presidency for almost 3 years. It is a look at the history of the Federalist Society and the Heritage Foundation played a critical role in the selection of a nominee as Supreme Court Justice.

Well, there was a time here when Republicans thought it was not only important but essential when it came to a nominee named Elena Kagan. Elena Kagan had never served on the Federal judiciary. She was nominated by President Obama. At the time, the ranking Republican on the Senate Judiciary Committee, Jeff Sessions of Alabama, insisted on the full documentation of her role in the White House, and the Democratic Senator, Patrick Leahy of Vermont, joined him in making that request. Scores of documents were produced because of the request made by Senator Sessions and Senator Leahy. It was a bipartisan request. It established a standard.

The same standard was applied for Democratic nominee Sonia Sotomayor. Documentation had to be presented to the committee and carefully reviewed before there was a vote on whether that person would serve in a lifetime appointment to the highest Court in the land.

Most of us assumed, at that point, that it was a settled practice in the U.S. Senate Judiciary Committee when it came to the documentary proof we would ask for when nominees came before the Supreme Court. We all thought that, but we were wrong because when the Republicans took control, everything changed. It changed, of course, with Antonin Scalia’s vacancy as a result of his untimely death—a vacancy President Obama sought to fill during his last year in office. He ended up nominating Merrick Garland, a DC Circuit Court judge of impeccable credentials to fill the vacancy. Many Republicans in the Senate refused to even meet with Merrick Garland, let alone consider him and vote on him. So, for a whole year, the vacancy continued at the Supreme Court while the Republicans broke Senate tradition and refused to consider President Obama’s nominee.

Then came the election of Donald Trump, the nomination of Judge Neil Gorsuch, and the process went forward to fill the vacancy the Republicans had kept open for more than a year before Neil Gorsuch was finally voted on by the U.S. Senate.

So here came the second vacancy under the Trump administration—a vacancy created by the retirement of Justice Kennedy—and the question was obviously asked when the Republicans had the filter and the gatekeeping power: Will you use for asking for the documentary evidence of the person’s background in public service?

Many of us assumed it would have been the same standard that was applied to previous Supreme Court nominees. Will you request the entire history of a Supreme Court nominee? And was that new rule said we will not ask for documentation for the 35 months when he served in the White House as the closest adviser to the President of the United States. I can tell you there were a myriad of issues that were considered by the President in that period of time, and Brett Kavanaugh, then assistant to the President, was involved in these decisions. We will not know what he said or did during those years?

Is this worth our investigation and inquiry? I am concerned about it because this is a lifetime appointment to the highest Court in the land. We know the
Court is carefully divided. It is legitimate for us to ask the questions about Judge Kavanaugh's background because of our constitutional responsibility to advise and consent, but we can't ask those questions if they don't produce the documents, and that is where we are today.

So my colleagues can come to the floor and talk about Judge Kavanaugh's record leading up to this nomination. They are limited in the information they have been given, and the limitations are unprecedented in the U.S. Senate.

The Republicans, when it comes to the Supreme Court, just rewrite the rules. Merrick Garland, President Obama's nominee: Sorry, No thanks. We are not interested in interviewing him or even considering him for that appointment. When it came to this judge, Judge Kavanaugh, the ordinary production of documents, by a standard established by the Republicans and Senate Sessions, is being ignored now when it comes to the nomination of Brett Kavanaugh. We will be given limited information because of this process and have to do our best to carefully review this nominee before he is considered for this lifetime appointment to the highest Court in the land.

I yield floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. Hoeven). The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

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

NOMINATION OF BRETT KAVANAUGH

Mr. THUNE. Mr. President, when it comes to deciding whether to confirm a Supreme Court Justice, there are two important questions: One, is this person well qualified? And, two, does this person understand the proper role of a judge?

When it comes to Brett Kavanaugh, the answer to both questions is yes. I don't need to tell anyone how qualified Judge Kavanaugh is. He is a graduate of Yale Law School and a lecturer at Harvard Law School. He has extensive legal experience in government and private practice, and he has spent the past 12 years serving on the Court of Appeals for the DC Circuit, sometimes referred to as the second highest court in the land.

His opinions have been endorsed by the Supreme Court more than a dozen times, and they are regularly cited by courts around the country. In short, he is eminently qualified to be a Justice on the Supreme Court.

But being qualified, while essential, is not enough. A Supreme Court Justice also needs to understand the proper role of a judge, and that role is to interpret the law, not make the law; to judge, not legislate; to call balls and strikes, not rewrite the rules of the game.

Judge Kavanaugh understands this. He understands that as a Supreme Court Justice, his job will be to rule based on the case, tied on the law and the Constitution, and nothing else, not his personal opinions, not his political feelings, not his beliefs about what the law should be—just the plain text of the law and the Constitution. And that makes Judge Kavanaugh exactly the kind of judge that all of us, Democrats and Republicans alike, should want on the Supreme Court—the kind of judge who, in the words of Judge Kavanaugh, will decide cases "without saying, they have had much luck. It is difficult to argue that a judge like Judge Kavanaugh isn't eminently suited to serve on the Supreme Court.

Democrats are also doing their best to delay the proceedings by making outlandish demands for documents relating to Judge Kavanaugh's time in the White House. Apparently the up to 1 million pages that the Judiciary Committee expects to receive from Judge Kavanaugh's executive branch and his circuit court confirmation aren't enough, even though it could be more than the amount of material received for the last five Supreme Court nominees combined.

One also has to ask why Democratic leaders feel the need to see any material for Judge Kavanaugh, given the fact that they have already made up their minds. Of course, it is not about the material. We all know that. Democrats aren't really interested in reading every email that happened to be copied to Judge Kavanaugh. They just want to delay his nomination.

It would be nice if Democrats would abandon their partisan opposition to Judge Kavanaugh and take a serious look at this superbly qualified nominee. Unfortunately, I expect the political posturing to continue, but we will continue to move forward with the confirmation process to deliver another outstanding Justice to the Supreme Court.

ECONOMIC GROWTH

Mr. President, the good economic news continues to pour in. The economy grew at an impressive 4.1 percent in the second quarter of this year, bringing economic growth for the year so far up over 3 percent. Unemployment dipped to 3.7 percent in July, which is close to an 18-year low. Worker pay and benefits are increasing at the fastest pace in a decade. Consumer confidence is at a nearly 18-year high. Disposable income, which is income after taxes, is up 3.5 percent this year. And small business optimism is at a record high.

In short, Republican economic policies are working, and I don't need to tell anyone that economic growth lagged during the Obama administration. The economy was historically weak, and some economists were predicting that 2 percent growth would be the new normal.

But Republicans disagreed. We didn't think American workers should have to resign themselves to permanently sluggish economic growth and the diminished opportunities that come with it. We knew that American innovators and job creators were as creative and driven as ever, but we also knew that American businesses, large and small, were weighed down by burdensome regulations and an outdated tax code that discouraged growth. So over the past year and a half, the White House and Republicans in Congress have focused on removing obstacles to economic growth. We have rolled back some regulations, and in December, we passed historic, comprehensive tax reform legislation.

Before that bill passed, before the Tax Cuts and Jobs Act passed, the Tax Code was not helping businesses grow and create jobs. In fact, it was doing the opposite, and that had real consequences for American workers. A small business owner struggling to afford the hefty annual tax bill for her business was highly unlikely to be able to hire a new worker or to raise wages. A larger business struggling to stay competitive in the global marketplace while paying a substantially higher tax rate than its foreign competitors too often had limited funds to expand or increase investment in the United States.

So we took action to improve the playing field for American workers by improving the playing field for businesses as well. We lowered tax rates across the board for owners of small businesses, farmers, ranches, and limited liability partnerships. We lowered our Nation's massive corporate tax rate which, until January 1, was the highest corporate
tax rate in the developed world. We expanded business owners’ ability to recover investments they make in their businesses, which frees up cash that they can reinvest in their operations and their workers. And we brought the U.S. international tax system into the 21st century so that American businesses are not operating at a disadvantage next to their foreign competitors.

Now we are seeing the results: stronger economic growth, as we pointed out in the Department of Labor and from the Brookings Institution shows that almost one-half of those men acknowledge taking prescription medication on a daily basis. In one of the studies, when pushed, two-thirds of those men said that they were taking prescription drugs on a daily basis. Think about that. This is shocking; 8½ million men out of work between the ages of 25 and 55—about one-half of them are saying that they are taking pain medication on a daily basis; two-thirds are taking prescription drugs. That is not overreported. In my view, that is underreported because there are legal issues involved with the opioid epidemic. Also, there is a stigma attached to prescription drug abuse.

So in order to fully take advantage of this growing economy—and my colleagues is absolutely right about that—we have to deal with this opioid epidemic.

I will tell you something that is even more tragic is that the Centers for Disease Control just came out with a new report last week talking about what is happening around the country, and it was another year of tragic results for American families, for communities represented by Members all across the country here in the U.S. Senate. This was the Centers for Disease Control. The news that last year—they just got the final numbers for it—the number of people who overdosed and died from the opioid crisis that we have was greater than the year before, not just at record levels but at levels that really create this epidemic level. Seventy-two thousand Americans died of overdoses last year.

This is the map that shows where it is, and it is all over our country. There were a couple of States that made good progress. These are the States in purple here. But in all of these other States, you actually see an increase—overall a 9-percent increase in overdose deaths in our country from 2016 to 2017. The problem is not getting better; it is getting worse.

My own State of Ohio increased 9.5 percent from 2016 to 2017. Sadly, that puts Ohio third in the country for total drug overdoses and fourth nationally for the number of deaths per capita, per 100,000 residents.

Seventy-two thousand Americans dying of overdoses—that is more than the deadliest year for car accidents or gun deaths ever. Now, 72,000 Americans died last year—a number that is more than the total number of American casualties in the Vietnam war. Remember that this is just 1 year—just last year. Overdoses are now the top cause of accidental death in the United States and the No. 1 cause of all deaths for all Americans under the age of 50.

The most recent CDC report illustrates something a lot of us already knew. This is a national crisis, and it is gripping every single State represented in this Chamber. By the way, this is despite a lot of good work that has been done by this body, by the House, and by the administration.

The last couple of years, Congress has taken on this issue. We passed legislation that is helping. One of the pieces of legislation is called the Comprehensive Addiction and Recovery Act, or CARA legislation, which I am proud of the progress we have made in getting the economy going again, and I am going to go keep working with my colleagues, hopefully on the passage of tax reform, and that means more opportunities for American workers.

I am proud of the progress we have made in getting the economy going again, and I am going to go keep working with my colleagues, hopefully on both sides of the aisle, to expand economic opportunities for Americans even further.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

OPIOID EPIDEMIC

Mr. PORTMAN. Mr. President, I would like to agree with my colleague from South Dakota, who has talked about the importance of the tax relief and regulatory reform and what that means for our economy. We are growing at rates that some have said were impossible. People said: Well, you just have to get used to the new normal. We are going to have the economy grow at 1 or 2 percent. It was 4.1 percent last quarter, and it looks as though we are going to continue to see strong growth. That is because of policies that were enacted here, and I think they are making a difference.

I want to talk about something happening today that actually is making it more difficult to find the workers to be able to get that economy moving forward the way all of us would like to see because as we have lower unemployment, as we have a growing workforce, we are seeing a number of Americans who are out of the workforce altogether.

There is some new data from the Department of Labor and from the Brookings Institution, some studies that have shown that between the opioid epidemic—which is heroin, prescription drugs, now this new fentanyl—and other issues, there are people who are not showing up even to apply for jobs. They are not even showing up in the unemployment figures, and they are at historically high levels—8½ million men between the ages of 25 and 55, so able-bodied men between 25 and 55. This Department of Labor and from the Brookings Institution shows that almost one-half of those men acknowledge taking prescription medication on a daily basis. In one of the studies, when pushed, two-thirds of those men said that they were taking prescription drug medication on a daily basis. Think about that. This is shocking; 8½ million men out of work between the ages of 25 and 55—about one-half of them are saying that they are taking pain medication on a daily basis; two-thirds are taking prescription drugs. That is not overreported. In my view, that is underreported because there are legal issues involved with the opioid epidemic. Also, there is a stigma attached to prescription drug abuse.

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I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.
into treatment? How do you get them back on track? How do you keep them in treatment? How do you ensure that treatment is successful? That is what the CARA and Cures legislation is helping to do.

I want to say that despite the positive stories back home, despite the additional effort we have put in, still there is this data from the Centers for Disease Control and Prevention showing that last year was worse than the year before. Why is that so despite the efforts of Congress and at every level of government?

In all of our communities something is being done. People are starting to step forward. The private sector is starting to get more engaged. That is all good.

I think the primary reason for this is because of the rise of a particular drug—the new scourge. It is the synthetic form of opioids. Just as we were making progress in reducing some of these deaths and deaths dealing with the terrible consequences of the opioid epidemic, what happened? We saw a steep increase in a new drug coming into the market. It is more deadly—50 times more deadly than heroin—because it is more convenient and more addictive. That is a fatal combination for thousands of our constituents who are dying every year now from the fastest growing and deadliest drug in this epidemic—fentanyl.

The first thing is the types of drugs and the type of drug and the increase or decrease. The one trend that stands out, as you see here, is the growth in synthetic opioids.

In fact, with regard to other drugs, including heroin, you can see a slight decrease—basically, a flattening. For other opioids, there is an increase and, then, a slight flattening. With regard to synthetic opioids, there is a steep increase, and there is a steep increase recently.

Last year there were 30,000 overdose deaths from synthetic drugs like fentanyl. That is up from approximately 20,000 overdose deaths from fentanyl the year earlier. So there are 10,000 more deaths from fentanyl between 2016 and 2017.

To give you an idea of how rapidly this drug is infiltrating our country, in 2013 there were about 3,000 fentanyl overdose deaths nationally. This means that from 2013 to 2017, there has been an 800 percent increase in overdose deaths due to fentanyl.

Last year, fentanyl was involved in more than 60 percent of the 48,600 overdose deaths that the CDC says were from opioids. In my State of Ohio, we think that is consistent. We think it is over 60 percent, or closer to two-thirds.

Looking at the new data coming in this year from Ohio from the various health departments around the State and from our coroners, it looks like it is an even higher percentage in 2018.

When I am home I hear about this a lot. People come up to me and tell me stories that will break your heart about family members. I have had two tele-townhall meetings in the last month, and both of these involved thousands of Ohioans. People aren’t selected for anything other than that they get a phone call and they are asked to be a part of our Senator Senator. We pick up the phone and we have 15,000 to 20,000 people on the call, and in both of these last two tele-townhall meetings, somebody called in with a very similar story—a tragic story about the drug that they experienced from a loved one passing away from a fentanyl overdose.

Pauline from Zanesville called in, and she told me her brother had recently passed away. She wondered what we were doing about it. Sam from Shelby County called at the next townhall meeting and told me that his son had tragically overdosed from fentanyl and died. By the way, in both of those cases, they didn’t mention that up front. They were discussing it with me about some policy issues, and it just kind of came out. Their voices cracked. You could tell when they are overcome with emotion at the end of our conversation. They said: Well, my son—in this case—he just died from an overdose from fentanyl.

By the way, in both cases, the brother and the son did not know they had taken fentanyl. They didn’t know they had used fentanyl. In one case, with regard to the brother, he thought it was just cocaine that he was using. Instead, it was laced with fentanyl. In the other case, it was heroin, and the person had shot up heroin before and been successful in breathing of an overdose, at least, but in this case fentanyl was laced in the heroin.

Now I tell you this because this new deadly drug is not just about pure fentanyl. It is about evil dealers and drug traffickers generally mixing the fentanyl with other drugs as well. When the coroners’ reports come in, often they are finding out it is fentanyl, not the drug the person thought he or she was taking. I had first responded to somebody waking up and says: Thank you for saving my life on this Narcan. I am OK now.

Unfortunately, that is not what you would have hoped. They will say: I want to go into treatment. But they wake up, after having been saved by Narcan, and they say: I don’t know why I overdosed, because I wasn’t taking a strong drug. They are told: Well, this tested for fentanyl.

They say: Well, I wasn’t taking fentanyl. That is because now any street drug—any street drug—that is taken has the risk of containing fentanyl, which can be deadly.

I hope people who are listening today tell everyone they can think of—at work, in their family, people in the community—just to be sure that this message is getting out. This is a new and deadly threat out on our streets, and it can be in any drug.

We want to turn the tide in this drug epidemic that is depriving the people I represent and the people represented by this Chamber of their God-given purpose in life, whatever it is. It certainly isn’t to overdose and die from opioids. We have to do more aggressive action against fentanyl. This is the reality. None of us wish it were, but it is.

Shockingly, when you do research on this, you will find out that these synthetic drugs come into our country from other countries directly through the U.S. mail system. That is what law enforcement folks have told us—shocking. It is not mostly coming from any place except foreign countries sending it through the U.S. mail system. That is where the majority of this is coming from.

We looked into this issue on the Permanent Subcommittee on Investigations. I chair that subcommittee. We spent 18 months studying this. We found out what we could and there is a fentanyl online and have it shipped to the United States of America. We learned through this 18-month undercover investigation that these drugs can be found through a simple Google search that overactive sellers essentially guaranteed delivery if the fentanyl was sent through a Federal agency—the U.S. Postal Service.

We found out from talking to law enforcement and our own research that the only place it is primarily coming from is China—one country—where there are scientists and chemical companies that are putting together this deadly mixture and are sending it to our shores.

Why do the traffickers prefer the U.S. Postal Service? Because it has lower screening standards than the other private carriers. International packages that enter the United States are subject to screening. Every private entity—such as FedEx, UPS, DHL, or others—has to provide—has to provide—ways to identification and are putting together this deadly mixture and are sending it to our shores.

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able to even open these packages because this stuff is so deadly.

I have been to Columbus, OH, and I have seen there, in one of these distribution centers for one of the private carriers—not Customs and Border Protection—but a lot of our people, talking to the large one, and our communities. Law enforcement, as you can imagine, is desperate to stop these deadly drugs from reaching our shores in the first place. That is the best way to stop it. They need this critical information in advance to be able to do that.

Why doesn't the post office do it? Because we haven't required them to. By law, after 9/11, we have required all private carriers to provide this information. Frankly, we were more focused on explosives than we were on contraband such as drugs. But we didn't require the U.S. Postal Service. Instead, we said: Study this issue and get back to us.

That was 16 years ago. For the last several years, some of us have been pushing the U.S. Postal Service hard on this, and unfortunately, some still continue to oppose this effort to provide 100 percent electronic data.

Because of congressional pressure, they have recently been getting more data on some of these packages. Based on testimony before our subcommittee, last week, the Postal Service received electronic data in advance on about 36 percent of the packages that came in, meaning that the United States received more than 318 million international packages with no or little screening.

Even when the post office conducted these pilot programs to screen for the drugs to get to the 36 percent number, 80 percent of the time they presented the packages to Customs and Border Protection. Of the 20 percent they did not present the package. So only 30 percent of the time was screening being provided, and still in 20 percent of those cases, they didn't present the packages to Customs and Border Protection. Instead, they went into circulation in our community.

We have a simple solution: 100 percent screening. This is a deadly epidemic.

Can you imagine tens of thousands of people dying from something that comes in from overseas through our own U.S. Postal Service and we are not stepping up to say: Whoa, let's do everything we can to screen these packages. The best monitoring devices, the best information—that is what we are asking for.

The legislation we have is called the STOP Act. It is a bipartisan bill that I authored with my colleague Amy Klobuchar from Minnesota. It closes the loophole from the U.S. Postal Service that our traffickers are using and exploiting to ship these deadly drugs into our communities. By holding the Postal Service to the same standard as private carriers and requiring them to provide that advance electronic data for all international packages entering the United States of America, we can keep the fentanyl out of our communities.

By the way, talk to your letter carrier about this issue. They will tell you they want to stop this. They don't want to be carrying this poison. The person who walks door-to-door in your community or delivers mail to your post office does not want to have fentanyl in their package. First, it is dangerous for them, but more important to them is that they know what it is doing to our communities. They don't want to be any part of it.

The STOP Act passed the House of Representatives earlier this summer, and more than one-third of the Senators in this Chamber are now cosponsors of this legislation. In my view, it is long past time for the Senate to pass this legislation so that it can become law and make a real difference in our communities.

I would like to thank President Trump for his leadership on this issue. Some of you may have seen yesterday that he sent out a statement—a tweet—supporting moving ahead with the STOP Act because of the scourge of this fentanyl coming into our neighborhoods, coming into our communities, our homes. He recognized the importance of this issue, by the way, and talked about it during the 2016 campaign and has talked about it a lot since then. He appointed an opioid commission to look into this issue. That commission endorsed the STOP Act specifically. I want to thank Governor Christie for working with us on that. That was the final report in November of last year, and still we have not passed it.

On Monday, when President Trump called on the Senate to pass this legislation, I think there was more interest and reporters talking about this issue in the halls. I am glad about that. The President is waiting, pen in hand. He is ready to sign the STOP Act. Let's not make him wait any longer.

Last year, an average of 81 Americans died every single day from synthetic opioids. From what I can tell back home, this year is no better and may, in fact, be worse. We can't wait around for this problem to get worse. We can't do nothing. We have to do something. The legislation we passed here to help with prevention, treatment, and recovery is good. It is beginning to work. But we also need to reduce the supply and at least increase the cost of this deadly drug, which is 50 times more powerful than heroin. We need to pass the STOP Act. We need to pass it now so we can make a meaningful difference in combating fentanyl, the new scourge of this opioid epidemic.

I yield back my time.

The PRESIDING OFFICER. The Senator from Kansas.
Commerce. He was engaged with the Highland Cemetery Association as president; the Central Charities Foundation, where he was chairman; and he was a treasurer and trustee of the Kansas Council for Economic Education. He has been a member for many years as well as those who honored him at his funeral service yesterday, described him as a humble man, despite his many successes, who kept quiet about those accomplishments. Over his lifetime, he received many awards, ranging from the Entrepreneur of the Year to the Kansas Governor’s Art Award in 2007.

He served his country, in addition to his community. It makes us proud that he was a veteran of both World War II and the Korean conflict. He was a 73-year member of the American Legion Post No. 45. Serving and sacrificing for others is simply who Ed Rolfs was.

Ed had a deep understanding of the temporary nature of life. He was a member of the Life Chair of the First Presbyterian Church, where he served in various roles—as treasurer, member of the choir, trustee, and Sunday school teacher.

A dedicated family man and loving husband, father, grandfather, and great-grandfather, Ed leaves behind his wife, Eunice, of nearly 70 years. I would use this as an opportunity to indicate to my colleagues that Eunice is the daughter of Frank Carlson, former Governor of Kansas, and they were married for nearly 70 years. He has three children, four grandchildren, and four great-grandchildren.

One of the things I observe in judging a person on their abilities, their character, who they are as a human being, is what their family is like. In any dealings I ever had with Ed Rolfs and his family, I knew he was good at what he did, and they were very important to his life. He raised a good family. He and Eunice raised a good family.

Ed represents the kinds of values on which our State was built. His sense of care and compassion and his service to his community, his country, his church, and his family have made the world and our part of the world a better place. He had a vision for a stronger community and a more prosperous Kansas. He will continue to inspire me personally.

Another observation is that my attendance at the funeral services yesterday caused me to remind myself that you hope the people who come to your funeral service are there because they admire and respect you and honor you and the life you lived. Ed had significant responsibility and a significant position in the community, but it is unusual to see so many people of all ages at a funeral. It wasn’t about his position; it was about his relationship with those he knew and cared about.

In the coming weeks, Robbie and I will continue to keep Ed and his wife Eunice, along with their family and friends, in our prayers. As they celebrated his life at the funeral services on Monday, may we continue to live our lives in a way that honors the way he lived his life.

May Ed Rolfs rest in peace.

I yield the floor.

I suggest the presence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF BRETT KAVANAUGH

Mr. INHOFE. After the announcement that was made this morning—it was a great announcement, long awaited—I think it is appropriate that we talk a little bit about it. When Trump withdrew from the Paris Agreement and pulled back from the Clean Power Plan, where the environmental extremists and the liberals declaring that the administration’s actions would “endanger public health, our environment and our economic prosperity.” That was Governors Brown and Cuomo. They further declared that “if we don’t decarbonize, people are going to die.” People are always going to die. That is what the extremists always say. I guess there must be a population out there that actually believes that.

However, the opposite is happening even without a one-sided international agreement or the punishing Clean Power Plan. In effect, in 2017, the United States led the world in CO2 reductions, while China and India led the world in increasing CO2 emissions. How many people know that? All you ever hear about is that we are the guilty one in terms of our emissions. That is not true at all. Just think, both China and India led the world in increasing CO2 emissions. These are the guys our previous President, Barack Obama, would have us believe were actually making great sacrifices, and here they are leading in increasing CO2 emissions.

When we passed tax reform, the Democrats claimed we would experience “Armageddon”—NANCY PELOSI said that—and taxes on middle-class families would increase. As we have seen, tax reform has been a resounding success, with 4 percent unemployment, and nearly 4.1 percent GDP growth in the last quarter.

Right after Congresswoman PELOSI made the statement that taxes would increase on all middle-class families, the Washington Post fact-checked the Democratic claims, giving them four Pinocchios, as 80 percent of middle-class families are paying less in taxes. In other words, 80 percent of middle-class families are paying less in taxes now than they were. Yet she was saying that taxes on all middle-class families were going to have to increase. You hear these things—they can’t look at success and see what is happening and really appreciate it without rousing everyone on the other side with extreme accusations. With every Executive order and Congressional Review Act resolution that rolled back regulation after burdensome regulation, we heard that the end of days was coming.

Let’s pause here for a minute and see how you get rid of some of these regulations. There are two ways of getting rid of regulations. One is you do it with an Executive order. Sometimes that doesn’t work. You can use an Executive order in certain types of regulations, so you have to go with the Congressional Review Act.

It is kind of interesting because we started the Congressional Review Act over 20 years ago. Prior to this administration, it had been used successfully only once in 20 years; now it happens almost every day.

With every Executive order and Congressional Review Act resolution rolling back the regulations, we heard that the end of the world was coming. You would not know it if you looked at the economy and saw what is happening in this country today with the increases in energy production, manufacturing, confidence, GDP, and job opportunities.

Meanwhile, jobless claims have dropped to a 45-year low—a 45-year low of jobless claims this year—and the Social Security disability claims last year were the lowest we have seen since 2002.

I think it is kind of interesting to go back and look at the fact that we have 4 percent unemployment. For as long as I can remember, I have always considered 4 percent unemployment full employment. There are always going to be some unemployed, but 4 percent is considered to be full employment, and that is what we have.

It is kind of interesting. I was in Texas last week, talking to my liberal friends down there. I said: What can you say now? Look at the economy. The economy has never been better.

He said: No, the economy is bad. It is hard to find anyone to work in restaurants anymore.

In other words, we have full employment, but that is supposed to be bad. That is the position we are in right now.

With the last quarter, we had 4.1 percent growth in the economy. Let’s stop and think about that. This is something that no one disagrees with. For every 1 percent growth in economic activity, that translates into $2.9 trillion of new income coming into the Federal Government every 10 years.

Let’s stop and think about it. We have a President who is trying to undo the damage from the last administration when the military was cut down to the bone and we didn’t do anything in the way of infrastructure. This President is committed to that.

People are saying: All right, where is the money going to come from?
There is where it is going to come from. My gosh, if we can average just 3 percent growth—and we have been doing that; we are far exceeding that—that is going to be close to $6 trillion of new funding that will be there for the next coming weeks.

With each action the President takes, we hear that the consequences are going to be dire and that people will die. It is always that people will die. Yet those predictions have never materialized. We have seen the opposite happen.

When it comes to President Trump's pick to replace Justice Kennedy on the Supreme Court, the predictions are just as hysterical. If there is not any logical reason to be against something, they just start name-calling. That is what has been happening.

In a recent speech, Hillary Clinton worried that with the nomination of Judge Brett Kavanaugh, Republicans “want to turn the clock back . . . to the 1850s.” This quote from Hillary Clinton. Her meaning was very clear. She wants people to believe that Judge Kavanaugh and the Republicans are taking the country back to the days of slavery, despite no evidence to back up this claim. In fact, Republicans want more freedom, not less.

Others are equally as bold in their predictions in saying that his confirmation will be the death—listen to this—the death of millions, that his confirmation will usher in the end of civil rights in America and make us complicit in evil. In other words, it will be the death of millions of Americans. Who, logically, can even look at that without smiling and saying that they have to be totally desperate in the accusations they are making against this guy? All of these baseless and extreme attacks on his nomination mean just one thing: Judge Kavanaugh is an excellent pick for the Supreme Court.

After meeting with him last week, looking into his record, and reading about his character—some of the stories that I have heard from other people—it is clear that he is a solid choice to become our newest Supreme Court Justice. With 12 years on the DC Court of Appeals, Judge Kavanaugh has amassed a record of over 300 opinions, and the worst opposition research we have seen against him so far is that he charged tickets to his credit card and then paid for them.

By all accounts, from those who know him, Judge Kavanaugh is a respected member of his community and of his profession. Professionally, he is known as a serious jurist who studied the law and is evenhanded in applying the law.

In his op-ed for the New York Times, entitled “A Liberal's Case for Brett Kavanaugh,” Yale Law professor Akhil Reed Amar made this statement: “Good appellate judges faithfully follow the Supreme Court; great ones influence and help steer it.” He was referring to Judge Kavanaugh. By this measure, Judge Kavanaugh has been a great appellate judge.

He ranks second among the current judges who have law clerks who have gone on to clerk for the U.S. Supreme Court. The Supreme Court has agreed with the positions that Judge Kavanaugh took in the last 13 of his opinions, adopting his logic in the prevailing opinion before the Court. In other words, they came down on his side in the cases that he had decided by himself. Nine of those times, the Supreme Court adopted his dissenting opinion as their majority opinion. In fact, he has been reversed by the Supreme Court only once and only in part.

Of those dissenting opinions by Judge Kavanaugh that the Supreme Court adopted as their own, one of them includes his dissent in Coalition for Responsible Regulation v. EPA, in which he concluded that the EPA defined ‘air pollution’ broadly in some regulations on greenhouse gas emissions. He viewed the Obama EPA’s burdensome greenhouse gas regulations for powerplants as exceeding its authority and argued that the courts should “not lightly overrule Congress, which is intended to ‘impose the enormous costs on tens of thousands of American businesses, with corresponding effects on American jobs and workers.'” Again, the Supreme Court agreed with him.

This opinion is also instructive to see his thinking on the proper role of the courts in our system of government. In his opinion, he wrote: “As a court, it is not our job to make the policy choices and set the statutory boundaries, but it is emphatically our job to carefully but firmly enforce the statutory boundaries.” This is a consistent part of his jurisprudence.

Because of his position on the DC Circuit, Judge Kavanaugh has had many opportunities to check the Federal Government’s overreach. I served as chairman of the Environment and Public Works Committee for quite a number of years, and one of the big problems we had at that time was that the bureaucracy were actually making the determinations. This is where he has actually overruled the bureaucracy many times. In fact, he has overruled Federal agency actions 75 times in his 12 years on the bench. That is really saying something.

When the EPA wanted to impose massive emissions regulations but did not want to consider the costs, Judge Kavanaugh rejected that effort in White Stallion Energy Center v. EPA. The Supreme Court agreed.

In the case of EME Homer City Generation v. EPA, Judge Kavanaugh held that the Obama EPA’s cross-state air pollution rule was awful and imposed excessive regulatory burdens on the States.

He also rejected the Department of the Interior’s position to designate 143 acres of plaintiff’s property as critical habitat for a shrimp based on a single 2001 sighting of four ant-sized San Diego fairy shrimp on the property. They would shut that down. He reversed it.

These are just a few examples of Judge Kavanaugh’s efforts to ensure that our agencies are acting and regulating within their authorizing statutes and the U.S. Constitution.

This is the real reason we are seeing such vitriol from the left. They have long used our courts and our agencies to impose their unpopular agenda, mostly because they couldn’t get it through Congress, as the majority of Americans recognized how stifling and burdensome their agenda is.

Having another judge on the Supreme Court who recognizes the proper role of the courts and the agencies when it comes to setting policy that affects all Americans threatens their ability to force costly, ineffective, unpopular burdens on our economy, our job producers, and our landowners.

With Judge Kavanaugh on the court, we will preserve the U.S. Constitution and our system of representative government for decades to come.

As I told Brett in our meeting—he has been good enough to go around and have meetings with all of the Members of the Senate. As a matter of fact, I told him that, from his reputation, he didn’t need to waste his time with me because I knew all about him, and I was going to support him. As I told him during that meeting, through his nomination and through President Trump and the Senate have done to process judicial nominations are to save our country, not for me but for my 20 kids and grandkids.

So I look forward to the confirmation. We are going to hear more of the accusations, more of the extreme left making comments about this great judicial success. I look forward to having him there for many years to come. And I am convinced that it is going to happen.

With that, 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.

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

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

Ms. COLLINS. Mr. President, as a member of the Defense Appropriations Subcommittee, let me begin my remarks by thanking Chairman SHELBY and Ranking Member DURBIN, as well as Vice Chairman LEAHY, for their leadership on the committee and their advocacy for the men and women who defend our Nation.

At a time when the threats to our Nation are increasing rather than decreasing, the work of the Defense Subcommittee is vital to ensure that our men and women in uniform, as well as our DOD civilian employees, have the training, ships,
planes, vehicles, and other equipment they need to defend our country.

The bipartisan bill reported out of the committee reaffirms the strategic importance of our Navy and our shipbuilding programs by including funding for three Arleigh Burke-class destroyers in fiscal year 2019, while also including $250 million in advance procurement funding for an additional destroyer in fiscal year 2020. This funding signals our strong belief that the Navy should sustain an aggressive rate of growth for large surface combatants in fiscal year 2020 and beyond in order to project strength in an increasingly dangerous and complex world.

In the national security imperatives, the Navy’s own 2016 fleet structure assessment increased the target number for large surface combatants to 104 ships from the 88 ships called for under the previous 308-ship Navy. The FY 2019 budget maintains the steady and predictable production profile for large ships will not only protect the help of our shipbuilding industrial base but also ensure that the Navy maintains an adequate number of these ships into the future.

In Maine, we are very proud of the vital role Bath Iron Works plays in contributing to our national security by building and maintaining ships for the future. BIW is known throughout the fleet for the high quality of its ships that are built there, with many Sailors using the motto “Bath built is best built.” BIW employs the finest shipbuilders, engineers, and designers in the world. This bill rightly recognizes the great value that these tried and tested warships bring to the Navy.

I am also proud of the continued investment this bill makes at our Nation’s public shipyards. The additional $350 million will support maintainance, sustainment, research, restoration, and modernization, as well as the $176 million for shipyard investment acceleration, will help the Portsmouth Naval Shipyard in Kittery, ME, and other public shipyards keep our Nation’s submarines at sea for years to come.

This bill also makes critical investments in research and development programs that are being carried out in partnership with research institutions such as the University of Maine. These programs include producing jet fuel from Maine’s forest biomass, using structural thermoplastics for Army ground vehicles, conducting cellulose nanocrystal research for the Army, developing hybrid composite structures for the Navy, and participating in the Navy’s advanced hull form development initiative, among many other essential research and development programs.

Our legislation invests in cutting edge, fifth generation aircraft by funding 89 F–35 aircraft. These state-of-the-art planes are truly the future of aviation, and I am proud of Pratt & Whitney’s contribution to this destroyers through its construction of the F135 engine at its facility in North Berwick, ME.

Additionally, our legislation procures eight heavy-lift helicopters for the Marine Corps. The rotating drive shafts are a critical component of this aircraft and are produced at Hunting Dearborn’s facility in Fryeburg, ME. The National Guard, as the Presiding Officers well aware, provides our country with both a strategic and operational reserve which has proven itself time and again.

I applaud the bill’s inclusion of providing $350 million to the National Guard and Reserve equipment account to modernize our Reserve Forces and ensure their full interoperability with the Active-Duty Force.

Finally, the committee report ensures that Congress has sufficient oversight over any efforts to close or realign facilities of the Defense Finance and Accounting Service. DFAS, as it is called, maintains a highly efficient facility in Limestone, ME. It is responsible for payments to our servicemembers, DoD employees, and contractors. Given this critical responsibility, I applaud the work done by the hundreds of hard-working employees at Limestone, and I welcome their continued support of our Armed Forces.

I am very pleased that we are proceeding the Defense appropriations bill, as well as the Labor-HHS appropriations legislation. I look forward to working with my colleagues to pass both bills in one package this week.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CORNYN. Mr. President, this week marks the continuation of a bipartisan effort to actually do the work we were elected to do.

The New York Times recently published an article that said the Senate got its groove back. I don’t know if I would go that far, but certainly we are making some progress when it comes to these important funding bills.

These two appropriation bills are two of the largest ones in the Federal Government. The first, for the Department of Defense which, appropriately, is the No. 1 priority of the Federal Government—to maintain the peace and keep our Nation safe. The other funds the Departments of Labor, Health and Human Services, and Education.

After we pass these bills this week, which we will, we will have passed 9 of the 12 appropriations bills, which cover 87 percent of discretionary spending.

I might add that when I mention discretionary spending, it is noteworthy that about 70 percent of what the Federal Government spends is not discretionary spending. It is mandatory spending, which is another story in and of itself.

But insofar as the Congress’s responsibility to appropriate the funds in discretionary spending, we will have covered about 87 percent of that.

I want to express my gratitude again to Chairman SHELBY and Vice Chairman LEAHY for their efforts in facilitating such a relatively smooth process on all of our appropriations bills so far. They have done a good job of managing the bills and, even more importantly, of managing the people and preventing this process from devolving into a quagmire, as it occasionally does.

To give you an idea of how difficult this can be, it bears mentioning that it has been 15 years since the Senate last passed the Labor-Health-Education bill in time for the start of the fiscal year.

So hats off to Mr. SHELBY and Mr. LEAHY. As the majority leader, Senator MCCAIN and Senator SMITH, said yesterday, these two bills represent big strides toward avoiding another omnibus, which the President said he wanted to do, and appropriating the taxpayers’ money the right way.

The funding bills we are working on this week are important, but they are not the only developments worth noting. Remember, recently we heard that in the second quarter of this year—the second 3-month period of this year—our economy grew at an astounding 4.1 percent after years of economic stagnation and wages that failed to go up. We were able to pass the Tax Cuts and Jobs Act at the end of last year, which helped provide a needed stimulus to the economy by putting more money into the pockets of the people who earned it. We were successful in lowering rates across the board and doubled the child tax credit and standard deduction.

Over the last 9 months, my constituents in Texas have been writing to me about the effect it has had on their lives. These are men and women like Leticia Davis, a grocer from San Antonio, who said the changes will help keep expenses down and help her company buy new equipment. There is Suzan Casey, a widow in New Braunfels, TX, which is north of San Antonio, who is working part time even when facing health issues. She wrote and said that she appreciated our efforts at reforming our outdated Tax Code and that every little bit helps, especially when she has been saving up the money to go visit her grandson in California.

In Texas, our economy has been robust for a long time now. We heard that last month, more than 23,000 jobs were added—the 25th consecutive month of job growth in my home State. In some places, such as Midland in the Permian Basin, which is the center of the universe when it comes to oil and natural gas production, it seems, the unemployment rate was as low as 2.2 percent. It is hard to find anybody who will work in the Permian Basin, in the
Midland-Odessa area, because the economy is so strong that every able-bodied, willing worker is essentially employed. These are positive signs, although obviously there are stresses and strains that go along with it.

Tax reform was the good economic news complemented by other legislative victories we have had on behalf of the American people during this Congress.

We funded rebuilding efforts following natural disasters, such as Hurricane Harvey.

We enacted the Fix NICS Act and the STOP School Violence Act to help protect Americans from gun violence.

We delivered real healthcare choices to American veterans with the VA MISSION Act.

We passed occupational licensing reform, as well as banking reform, which helped our small banks, credit unions, and community banks get rid of some of the rules that never should have been applied to them in the first place because they weren’t the cause of the huge crisis that led to the great recession just a few short years ago. It wasn’t the community banks—it was Wall Street on the other side, but community banks in small towns in and around Texas and elsewhere were the collateral damage.

This last year and a half, we fought sex trafficking by passing legislation targeting internet predators, and we have worked hard and I think helped to reduce the rape kit backlog.

We have confirmed a total of 53 judges this Congress, including 26 circuit court judges, 26 district judges, and a Supreme Court Justice, Neil Gorsuch.

**Nomination of Brett Kavanaugh**

Mr. President, 2 weeks from today, we will start the confirmation hearing of the next Supreme Court Justice we will consider, and that is Judge Brett Kavanaugh, who has been nominated to succeed Justice Anthony Kennedy as an Associate Justice on the U.S. Supreme Court.

As I said, his hearing is set for the first week of September, and I hope we will move quickly to vote on his confirmation after the hearing. His confirmation process includes the largest production of documents ever in the Senate’s consideration of a Supreme Court nominee. I appreciate Chairman Grassley’s spearheading the effort in such a transparent, efficient, and thorough manner.

To see how a judge will behave once elevated to the Supreme Court, the best evidence of how they will perform their job is how they have performed as a lower court judge. Judge Kavanaugh has been over the last 12 years in the DC Circuit Court of Appeals. The best way to find out about his judicial philosophy, his temperament, and how he actually handles cases is to look at how he has done each of those things during the 12 years he has served on the DC Circuit. Yet we have heard some of our colleagues on the other side, including the minority leader and the former Judiciary chairman, Senator Leahy, who actually used to agree with us that the best way to evaluate a nominee—for example, during Justice Sotomayor’s hearing—was by looking at their judicial record, but now they have changed their tune.

In Judge Kavanaugh’s case, what the rulings show consistently is that he is a diligent and thoughtful judge. His rulings are clear, they are impartial, and he strives to achieve justice in each one.

Yesterday, I mentioned some of the cases in which Judge Kavanaugh’s opinions, whether written as part of the majority opinion or the dissent, were vindicated by an adoption of that position and that opinion, essentially, by the Supreme Court on a 9-to-0 basis, but I would like to talk about another couple of arguments that have now started to bubble up.

As I like to say, a false charge unrefuted is sometimes a charge believed, so we have to work hard to remind people that just because someone says something about Judge Kavanaugh’s record, it is not necessarily true.

The first claim that has now popped up is that he is somehow an “anti-worker radical.” This is a phrase coined by the pundit Paul Krugman of the New York Times. It sounds pretty ugly. I guess it means that the judge is predisposed to adverse rulings that find against employees and hard-working men and women in favor of management and big business. But the fact is, Judge Kavanaugh’s record indicates exactly the opposite.

In one case, a pro se litigant had been terminated after filing a discrimination complaint. Judge Kavanaugh joined the majority in a ruling for the employee, finding that a reasonable jury could have found unlawful discrimination, as I have concluded based on my knowledge of Judge Kavanaugh for the last 18 years, that he is an eminently qualified and well-respected jurist by all those who know him and are familiar with his work. I look forward to confirming him as a Justice early this fall, hopefully in time for the October term of the Supreme Court, the first Monday in October.

I yield the floor.

I suggest the absence of a quorum.

**AMENDMENT NO. 3761**

The PRESIDING OFFICER. Mr. Warner, Chairman Warner, I refer to the Clerk.

The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

**AMENDMENT NO. 3761**

Mr. WARNER. Mr. President, I rise to offer an amendment to the legislation we are working on that would revoke on a going-forward basis only for valid national security reasons—not to change the subject on a bad news day,
not to threaten career government employees, and especially not to carry out political retribution.

Virginia is home to tens of thousands of dedicated men and women who serve in our intelligence and defense communities. As Senate Intelligence Committee chairman, I have met literally thousands of FBI agents, CIA officers, military servicemembers, contractors, and other public servants who hold security clearances. These men and women work day in and day out, often thanklessly, to keep America safe.

Do you know what? I have no idea, amongst those Americans who have those security clearances, which of them are Democrats and which of them are Republicans, and that is the way our system is supposed to work.

The Federal Government grants security clearances only to those individuals who can be trusted with our Nation’s secrets. Applicants go through intense, lengthy background checks, interviews, and even, in many cases, lie detector tests, to not mention extensive rechecks for suitability every few years. Only then, after this process, do we allow them to serve in some of the toughest national and national security jobs. We ask a great deal of these dedicated professionals, but what we don’t ask about are their political views.

Since the mid-1990s, the Code of Federal Regulations has governed the 13 criteria under which personnel are deemed eligible or ineligible for security clearances and access to classified information. Amongst those 13 reasons to actually get a security clearance or to lose a security clearance is included: allegiance to the United States, being subjected to foreign influence, financial considerations, and others. When you look through that list of 13—and I have it over here—none of those criteria includes political speech, nor should they. Our national security is too important to infect with political partisanship.

I believe that more than ever, in light of the President’s actions last week when this President revoked the clearance of former CIA Director Brennan and, equally important, if not more important, when he threatened to revoke the clearances of numerous former and even current national security officials. The impact these individual actions collectively have on national security is that the White House broadcast this message loud and clear when it threatened to revoke the clearance of a midlevel employee at the Department of Justice. This is a clear attempt of intimidating the Democratic Party. If this President is successful in revoking this first wave of clearances, there is no question these actions will threaten the ongoing Russia investigation—an investigation that, again today, claimed two more guilty convictions, an investigation that has already resulted, prior to today, in 5 guilty pleas and 35 indictments. As I mentioned, today included the conviction of the President’s campaign manager.

Unfortuately, the President’s actions don’t just harm the individuals involved; these tactics threaten our national security institutions themselves. The Pentagon, the intelligence community, the FBI, the Department of Justice, and the rest of our national security structures depend on seasoned career professionals who do not act out of partisan motivations. Threatening their clearances—threatening their livelihoods and their families—is a clear attempt at undermining an ongoing investigation that has already learned into what Russia did in 2016. If successful, the President’s actions threaten to politicize our national security institutions even more so than they have already done.

The President has significant authority as head of the executive branch, but there is widespread agreement that he should not be able to use these powers to get payback against Americans who criticize him. All of us in this body agree that no President should be able to order the IRS to audit political enemies, and we all agree no President should be able to order wiretaps against those who displease him. We should also all agree that a President should not have the power to remove clearances for reasons that have nothing to do with national security and certainly not because an individual expresses his or her right to free speech.

I ask my colleagues to support the Warner amendment. I ask the majority leader to make sure this amendment gets a fair vote, up or down, on the floor of the Senate because I believe the Senate must take a stand against any attempts to punish political speech or to threaten our national security professionals by arbitrarily taking away their security clearances.

I currently have in place real and prudent guidelines for issuing and revoking clearances, guidelines that are based on national security and not on political considerations. We cannot allow those to be subverted by crass partisanship or attempts by this President to punish his enemies. We have come way too far from the dark days of Watergate to allow this type of attack against career professionals who have faithfully served this nation with honor and dignity. We should demand better from this President. We can take that action by passing this amendment.

I yield the floor.

Mr. GRASSLEY. Mr. President, as I have now for several weeks spoken to my colleagues about the nomination of Judge Brett Kavanaugh, I return to further elaborate on where we are in that process.

Two weeks from today, Judge Brett Kavanaugh will appear before the Senate Judiciary Committee for the first day of his confirmation hearing. I am quite excited to finally hear from him in that forum. He is one of the most qualified nominees to have ever been picked for the Supreme Court, and he has contributed a great deal to his community and the legal profession, besides being an outstanding judge on the DC Circuit Court of Appeals.

Appreciating, however, the other side has found very little in his record that is objectionable. The only real controversy is their unprecedented demand for millions and millions of pages of irrelevant documents on top of the hundreds of thousands of pages we have already received. Indeed, the Senate Democratic leaders have demanded the search of every email and every scrap of paper from every one of the hundreds of White House aides who came
and went for the entire 8 years of the George W. Bush Presidency. The Senate Democratic leaders have even refused to utilize search terms—and other ways—in order to limit the universe of millions and millions of pages of records that would require a conscientious review of both the former and incumbent Presidents' teams of lawyers even before the Senate Judiciary Committee could have begun its own search. These reviews would have taken many months, and some people said they would have taken beyond this year.

We know the true reason for their unprecedented document demand, which is to deny Judge Kavanaugh's confirmation until after the midterm elections, when the Senate Democrats hope to win back the Senate and block Judge Kavanaugh's nomination forever.

Democratic leaders announced their opposition to Judge Kavanaugh immediately after he was nominated. Can you believe that? Some Senators announced their opposition to any one of the 25 potential nominees before the President even announced he was picking Judge Kavanaugh. The minority leaders decided to oppose Judge Kavanaugh with everything he has.

This desire to obstruct the entire process explains their partisan push to bury the Senate Judiciary Committee in a mountain of irrelevant paperwork. They seek to divert attention from the very impressive record Judge Kavanaugh has. Democratic leaders know Judge Kavanaugh is the exact type of Justice the American people want. By the way, when he was a candidate—way before his election—the President named the people whom he was going to appoint and the types of people he was thinking.

Judge Kavanaugh has served for 12 years on the DC Circuit Court of Appeals. In his time, he authored more than 300 opinions and has joined in hundreds of others. In 13 separate cases, the U.S. Supreme Court has adopted legal positions that have been advanced by Judge Kavanaugh's opinions on the DC Circuit. That is a very impressive record that few people on the circuit court of appeals can claim.

The majority's staff on the Senate Judiciary Committee has already received more than 10,000 pages of judicial track record for Judge Kavanaugh's time on the DC Circuit. That is a very impressive record that many people have people on the circuit court of appeals can claim.

On the other hand, we didn't receive documents from Justice Kagan's time in one of the two legal positions that she held. We didn't receive her Solicitor General documents, despite a heightened need for them to assess Justice Kagan's legal thinking. After all, Justice Kagan had no legal or judicial experience. In other words, she was not a judge prior to going to the Supreme Court, as Judge Kavanaugh is.

In contrast to Judge Kavanaugh's 12-year judicial track record, the 305 opinions Kavanaugh wrote, and the hundreds more he joined, Judge Kagan wrote or joined zero opinions. Judge Kavanaugh wrote or joined over 10,000 pages of judicial opinions, compared to Justice Kagan's zero pages. In short, we have received many more pages of more relevant documents for Judge Kavanaugh than we did for Justice Kagan.

This more thorough and more transparent production is also on top of the thousands of pages of Judge Kavanaugh's publicly available materials, including his extensive and impressive judicial record. Nevertheless, Democratic leaders accuse me of hiding documents. Consider the hundreds of thousands that are available, and I am being accused of hiding a couple of documents.

They are doing that because I have agreed to hold some documents as committee confidential. But during Justice Kagan's and Justice Gorsuch's nominations, we agreed to receive as committee confidential documents that contain material that are restricted by the Federal law that we call the Presidential Records Act.

As the current chairman, that is an example of the way things have changed over this time. As I have explained many times over the last month, I agreed to receive documents on a committee-confidential basis as an initial matter to allow the committee to accelerate our review of Judge Kavanaugh's record, while at the same time making it clear that restricted material, such as Social Security numbers for individuals, bank information for individuals, or confidential advice given to the President, are not exposed to the public, as everybody would expect us to be that careful.

Then-Chairman LEAHY also agreed to receive documents on a committee-confidential basis in 2010 "to permit the Committee prompt access to them." I have done exactly the same thing in the case of Judge Kavanaugh. We have those documents don't necessarily remain confidential forever because there is a process. They are reviewed a second time, and if they don't contain any material restricted by law for public access, we quickly release those documents to the public. Thus, we end up in exactly the same place as we did with Justice Kagan and Justice Gorsuch: Material restricted by the statute is held committee confidential, while nonrestricted material is released to the public.

I would like to add that all documents we have received, including committee-confidential documents, at this very moment are available to every Member of the Senate. My staff is happy to make these documents available to any Senator interested in reviewing them.

Now, my friends on the other side of the aisle complain that a lawyer by the name of Bill Burck, rather than the National Archives, is deciding what is considered restricted, but that is not true at all. The National Archives has been reviewing Judge Kavanaugh's emails, as I requested. These archivists are public employees, and they have informed President Bush and President Trump that, in the opinion of the professional archival staff, nearly two-thirds of the emails that these public servants have reviewed thus far contain restricted material and should not be released to the public. That means that under the same standard applied to Justice Kagan and Justice Gorsuch, the Committee will have to hold two-thirds of the documents reviewed by the National Archives as committee confidential when we receive them.

Following historical practice, official records generally are produced to the Senate for our review, and personal records generally are produced to the Archivist of the United States and his team of career archivists are making the ultimate decision.
on whether Judge Kavanaugh’s executive branch records are official—available to the committee and to the public—or personal. It is simply absurd to suggest that anyone is hiding anything. So I hope I don’t hear that complaint any longer.

I hope my colleagues on the other side of the aisle put aside politics and reconsider their reckless demands for the immediate release—for the whole world to see—of documents that contain full names, dates of birth, Social Security numbers, bank account numbers, personal communications with family members, other sensitive matters affecting personal privacy, and, of course, some of the more sensitive issues related to the President’s core constitutional duties.

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.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, we are making good progress on the rather large package of appropriations bills, including Defense and Labor and HHS, but just to make sure we are in a position to wrap it up before we depart for the week, I send a cloture motion to the desk for Senate amendment No. 3695.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Senate amendment No. 3695 to Calendar No. 500, H.R. 6157, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.


MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a position of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

VOTE EXPLANATION

Ms. HEITKAMP. Mr. President, I was necessarily absent for yesterday’s votes on S.A. 3705 and S.A. 3706 to H.R. 6157 so I could join the Secretary of the Air Force during her visit to Grand Forks Air Force Base in my home State. Had I been present, I would have voted yes on the amendments.

TRIBUTE TO MICHAEL “TONY” DUNNE AND BRANDON “RAY” SEABOLT

Mr. INHOFE. Mr. President, it is my honor to pay tribute today to two exceptional Oklahomans and patriots, retired Army Chief Warrant Officer Michael “Tony” Dunne of Webbers Falls, OK, and retired Army Chief Warrant Officer Brandon “Ray” Seabolt of Skiatook, OK. On August 14, 2018, both were awarded the Office of the Secretary of Defense Medal for Valor, the highest civilian award presented by the Department of Defense.

On August 7, 2015, Tony was working at Camp Integrity, just north of Kabul, Afghanistan, executing duties as contractors for the Department of Defense when a potent vehicle-borne improvised explosive device impaled the main gate and knocked down a guard tower. Without hesitation, Tony rushed to the fight and evacuated a wounded servicemember from the scene, undoubtedly saving their life. From his actions that day and others, Tony has been honored for exceptional gallantry in repeatedly putting himself in harm’s way to assist in countering multiple insurgent threats, helping to save lives at the risk of his own.

On December 17, 2015, Ray was serving as a counter-IED expert in congruence with U.S. Special Forces and Afghan partners when they were ambushed by enemy fire. Without regard for his own life, Ray jumped to action and single-handedly fended off the insurgent onslaught, allowing the recovery force to approach the scene with little to no combatant effects and for providing tactical advice and assistance in the successful recovery of servicemembers.

Oklahoma is truly honored and proud to claim Tony and Ray, two patriots who exemplify the ultimate in bravery and courage in support of our country’s most critical national security missions both at home and overseas.

Created in the aftermath of the September 11 attacks, the Medal for Valor recognizes government employees and private citizens who perform an act of heroism or sacrifice, with voluntary risk to their personal safety in the face of danger. Tony and Ray’s well-deserved medals, along with one other awarded on August 14, bring the total number of Medals for Valor to 17 awarded since September 11, 2001. This exemplifies the recognition of immense sacrifice that this small group has made for our Nation. Now, Tony and Ray’s names will permanently reside in the Pentagon’s Hall of Heroes, distinguishing among our Nation’s best.

REMEMBERING OPHA MAY JOHNSON

Mr. YOUNG. Mr. President, August 13, 2018, marked the centennial of women serving in the U.S. Marine Corps. I am proud that Indiana was home to the first woman to serve in the Marine Corps, Opha May Johnson.

Mrs. Johnson was born in Kokomo, IN, on May 4, 1878. Before becoming a marine at the age of 39, she graduated from Wood’s Commercial Business College and worked diligently for 14 years in the Interstate Commerce Department.

Like many Americans during WWI, Mrs. Johnson heeded the Nation’s call and took the oath without hesitation on August 13, 1918. She was the first of 300 women who worked at the Marine Corps headquarters in Virginia. After 5 weeks in the service, she was promoted to the rank of sergeant and remained on Active Duty until February 1919, 3 months after the end of WWII. Mrs. Johnson remained in civil service until her retirement in 1943.

Mrs. Johnson was the first of a group of trailblazing women in the Marine Corps, and it is with overwhelming pride that I recognize her service to this country. As a marine and Hoosier, I ask that you join me today in honoring Opha May Johnson and all of the courageous marines following in her footsteps.

TRIBUTE TO KEN FLANZ

Mr. CRAPO. Mr. President, today, I wish to salute Ken Flanz, my longtime legislative director and one of the most legislative policy adviser who is retiring from the Senate, for his nearly 30 years of devoted congressional service.

Next month, he joins his loving wife, Meghan, in her hometown in southern California. I wish them both well in their retirement and their wedding in 2003 at St. John’s Church near the White House, with their families and friends.
Ken has been an integral part of my legislative team since he became part of my staff in 1997 during my service in the U.S. House of Representatives. He joined my staff after working for former Representative Martin Hoke, from 1989, and former Representative Bill McCollum from 1980–1981. His tenure on Capitol Hill has a wide range, having worked in both legislative bodies, in every Congress stretching back to the 101st Congress, five Presidential administrations, leadership, and staff changes. His law, integrity, dedication, and longevity have served my State and our Nation well throughout.

Beyond his leadership on my senior management team, Ken has taken on tremendous responsibilities, as I have counted on him to cover many different issues over the years. He has been a trusted counsel, providing detailed work and advancing my policy agenda on diverse matters, including appropriations, international trade, intelligence, foreign affairs, energy, the environment, government reform, and the Federal judiciary. This includes his work covering my role as a Commissioner on the National Commission on Fiscal Responsibility and Reform and leadership with the Canada-U.S. Interparliamentary Group for many years. Ken understands the nuances, skill, and discretion needed to effectively navigate work with other countries and differing viewpoints, and he has taken on the challenges with tact and diplomacy.

Ken also assisted with my assignments on at least six committees, including Senate Finance; Senate Banking, Housing, and Urban Affairs; Senate Environment and Public Works; Senate Judiciary; Senate Indian Affairs; and the Joint Select Committee on Solvency of Multiemployer Pension Plans. During my tenure in the House, he also assisted me on the House Energy and Commerce; Commerce and Agriculture Committees.

He has always been ready and able to fill gaps and cover what needs to be done as he has supported and filled out the staff. In addition to his principal issue assignments, he has covered taxes, healthcare, and education when staff vacancies occurred or the need required. Simply put, the complete list of policy issues he has handled throughout his time in Congress is extensive and likely too long to list.

Ken can also point to achievements in helping me enact legislation relating to environmental protections, defense initiatives, Tribal sovereignty, land conveyances, and delivering assistance to Idaho communities and institutions. He was also instrumental in advancing and confirming executive branch and judicial branch nominees important to Idaho.

As legislative director, Ken has managed, monitored over fifty legislative team members and agency fellows. He has trained and guided so many young legislative minds into successful careers and shared his consummate understanding of the legislative process and policy efforts. It is telling on how much Ken has valued his relationship and mentorship with those on his staff when he requested, as a farewell gesture, photos with which I would be able to display during his last month in my office. Without exception, they all trust and admire Ken and point to his guidance as part of their successes today.

He has an extraordinary depth of knowledge and understanding that has been invaluable and will be deeply missed in and beyond the Senate community where he has worked with many colleagues over the years. As a Stennis Congressional Fellow and a Woodrow Wilson Policy Fellow, Ken deepened his knowledge and skills that have made him effective in his commitment to serve the public.

I extend my deep gratitude to you, Ken, for the more than 21 years you have invested in serving as member of my staff and the 28 years you have worked in Congress. Thank you for your thoughtful guidance all of these years. I wish you and Meghan all the best as you head West and start your next chapter.

ADDITIONAL STATEMENTS

RECOGNIZING KRTV

Mr. TESTER. Mr. President, today I wish to honor the fine broadcasters at KRTV in Great Falls, MT, who are celebrating their 60th year on the air. They are celebrating their 60th year on the air.

In 1950, KRTV pioneered the first live broadcast from the Montana State Fair. At the time, it was a historic technological development in northcentral Montana. In 1961, they began broadcasting in color, bringing life to storytelling and breaking news. Every day since, KRTV has set the standard for excellence in broadcast journalism in Montana, winning EB Crane, newscast of the year numerous times.

They have covered events large and small, from Presidential visits and historic flooding to six-man football and fall harvest. Legendary broadcasters like Norma Ashley laid the groundwork for the familiar faces of Tim McConigal and Shannon Newth and so many others. They have brought the news to Great Falls and its surrounding Back country area with passion, grace, and persistence.

For 60 years, KRTV has been a shining example of how much local news matters to a community. I know the next 60 years will be as good as the first.

MESSAGES FROM THE HOUSE

August 21, 2018

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE ENROLLED BILL SIGNED

At 12:49 p.m., a message from the House of Representatives, delivered by Mr. Wm. Lacy Clay, one of its clerks, announced that the Speaker pro tempore (Mrs. COMSTOCK) has signed the following enrolled bill:

S. 717. An act to promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6190. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Cerevisiae (cell walls of Saccharomyces cerevisiae strain LAS117); Exemption from the Requirement of a Tolerance” (FRL No. 9980–47) received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2018, to the Committee on Agriculture, Nutrition, and Forestry.

EC–6191. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Picoxystrobin; Pesticide Tolerances” (FRL No. 9980–47) received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2018, to the Committee on Agriculture, Nutrition, and Forestry.

EC–6192. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Spinetoram; Pesticide Tolerances” (FRL No. 9978–43) received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2018, to the Committee on Agriculture, Nutrition, and Forestry.

EC–6193. A communication from the Associate General Counsel, Department of Agriculture, transmitting, pursuant to law, four (4) reports relative to the Department of Agriculture, received in the Office of the President of the Senate on August
EC–6218. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Proposed Rule: Direct Sale of Small Business Package Containers Containing Chemical Substances” ((FR No. 9971–37) (TD 8121)) received during adjournment of the Senate in the Office of the President of the Senate on August 6, 2018; to the Committee on Environment and Public Works.

EC–6219. A communication from the Director of Congressional Affairs, Office of Nuclear Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Consolidated Guidance About Materials Licenses” (NUREG–1566, Volume 7, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Environment and Public Works.

EC–6220. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Report to Congress on the Demonstration Project on Community Health Integration Models in Certain Rural Counties Interim Report 2018” to the Committee on Finance.

EC–6221. A communication from the Director, Office of Regulations and Reports Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled “Method Change and Guidance about the International Development (USAID), transmitting, pursuant to law, the report of a rule entitled “Consolidated Guidance About Materials Licenses” (NUREG–1566, Volume 7, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Finance.

EC–6222. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Refund of Alcohol Excise Tax” (TD 1515–A39) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Finance.

EC–6223. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Method Charge Guidance on Small Business Package Containers under Sections 448, 263A, 460, and 471” (Rev. Proc. 2018–40) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Finance.

EC–6224. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Consolidated Guidance About Materials Licenses” (NUREG–1566, Volume 7, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Finance.

EC–6225. A communication from the Assistant Secretary for Management, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled “Consolidated Guidance About Materials Licenses” (NUREG–1566, Volume 7, Revision 1) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Finance and Consumer Protection Act of 2015” to the Committee on Health, Education, Labor, and Pensions.

EC–6226. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board’s fiscal year 2018 Federal Activities Inventory Reform (FAIR) Act submission of its commercial and inherently governmental activities to the Committee on Homeland Security and Governmental Affairs.

EC–6227. A communication from the White House Liaison, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2018; to the Committee on Homeland Security and Governmental Affairs.


EC–6229. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Career, Technical, and Adult Education, Department of Education, received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC–6230. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Outdated or Superseded Regulations—Title 1, Part A: Improving Programs Operated by Local Education Agencies (LEAs) (several sections),” (FRL No. 9971–37) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC–6231. A communication from the Assistant Secretary for Consumer Protection and Competition, Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances” (FRL No. 9971–37) received during adjournment of the Senate in the Office of the President of the Senate on August 9, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6232. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Making Permanent the Attorney Advisor Program” (RIN0960–AI23) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6233. A communication from the Deputy White House Liaison, Department of Education, transmitting, pursuant to law, the report of a rule entitled “Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission’s Rules” (FCC 18–90) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6234. A communication from the Director, Office of the Administrator, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Shipping Zone; Allegheny River, Miles 43.5 to 45.5, Kittanning, PA” ((RIN1625–AA00) (Docket No. USCG–2018–0718)) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6235. A communication from the Assistant Secretary for Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “911 Grant Program” (RIN0960–A33; RIN2127–AL86) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6236. A communication from the Assistant Secretary for Management, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Report to Congress on the Demonstration Project on Community Health Integration Models in Certain Rural Counties Interim Report 2018” to the Committee on Finance.

EC–6237. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission’s Rules” (FCC 18–90) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6238. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lower Mississippi River, Mile Markers 94 to 97 above Head of Passes, New Orleans, LA” ((RIN1625–AA00) (Docket No. USCG–2018–0718)) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6239. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lake Michigan, Whiting, Indiana” ((RIN1625–AA00) (Docket No. USCG–2018–0719)) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6240. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Allegheny River, Miles 43.5 to 45.5, Kittanning, PA” ((RIN1625–AA00) (Docket No. USCG–2018–0718)) received during adjournment of the Senate in the Office of the President of the Senate on August 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6241. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Discovery World Fireworks, Milwaukee, Harbor, Milwaukee, WI” ((RIN1625–AA00) (Docket No. USCG–2018–0720)) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC–6233. A communication from the Attorney–Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Method Change Guidance About the International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General, Department of Housing and Urban Development, received during adjournment of the Senate in the Office of the President of the Senate on August 7, 2018; to the Committee on Homeland Security and Governmental Affairs.


EC–6235. A communication from the Chief Counsel, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “911 Grant Program” (RIN0960–A33; RIN2127–AL86) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2018; to the Committee on Commerce, Science, and Transportation.
of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Philippine Sea, Tinian” ((RIN1625-AA90) (Docket No. USCG-2018-0894)) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6244. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Lower Mississippi River, Fireworks Display, Shark River, Neptune, NJ” ((RIN1625-AA90) (Docket No. USCG-2018-0861)) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6246. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Safety Zone; Detroit River, Detroit, MI” ((RIN1625-AA90) (Docket No. USCG-2018-0871)) received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2018; to the Committee on Commerce, Science, and Transportation.

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

By Mr. BLUMENTHAL:

S. 3352. A bill to amend title 38, United States Code, to change the manifestation period required for the presumptions of service connection for chloracne, porphyria cutanea tarda, and acute and subacute peripheral neuroathy associated with exposure to certain herbicide agents, and for other purposes; to the Committee on Veterans’ Affairs.

By Ms. HARRIS (for herself, Mr. CAS- SIDY, Mr. JONES, and Mr. YOUNG):

S. 3356. A bill to require the Surgeon General of the Public Health Service to submit to Congress a report on the health effects of new psychoactive substances (including synthetic drugs) use; to the Committee on Health, Education, Labor, and Pensions.

S. 3357. A bill to improve the anti-corruption and public integrity laws, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. CRAPO):

S. 3358. A bill to amend the Internal Revenue Code of 1986 to provide that the volume fee for private shell shall not apply to bonds for facilities for furnishing of water and sewage facilities; to the Committee on Finance.

By Ms. HARRIS (for herself, Mr. HATCH, Ms. STABENOW, Mr. PETERS, Mr. COONS, Mr. BOOKER, Mrs. GILIBRAND, Mr. CARPER, Mr. JONES, Ms. HARRIS, Ms. HIRONO, Mr. Kaine, Mr. DURBIN, Mr. MANCHIN, Mr. NELSON, Ms. DUCKWORTH, Ms. CORTEZ MASTO, Ms. KLOBUCHAR, Mrs. FeinSTEIN, Mr. WURTEBEEG, and Ms. HARRASSANT):

S. 3359. A bill to posthumously award a Congressional Gold Medal to Aretha Franklin in recognition of her contributions of outstanding and historical significance to culture in the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN:

S. 3360. A bill to amend the Rural Electrification Act of 1936 to improve access to broadband telecommunications services in rural areas, including by encouraging the provision of broadband loans and grants to increase broadband service in emerging harbor projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. RUBIO (for himself and Ms. BALDWIN):

S. 3361. A bill to safeguard certain technology and intellectual property in the United States from export to or influence by the People’s Republic of China and to protect United States industry from unfair competition by the People’s Republic of China, and for other purposes; to the Committee on Finance.

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Mr. CORNYN, Mr. SCHUMER, Mrs. GILIBRAND, Mr. MURPHY, and Mr. MENENDEZ):

S. Res. 610. A resolution urging the release of information regarding the September 11, 2001, terrorist attacks upon the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASSIDY (for himself and Mr. PERREIRA):

S. Res. 611. A resolution opposing the targeted harassment of U.S. Immigration and Customs Enforcement officers and employees and reaffirming the fundamental principle that public safety services should be provided without discrimination; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 429 At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 429, a bill to amend titles XIX and XXI of the Social Security Act to authorize States to provide coordinated care to children with complex medical conditions through enhanced pediatric health homes, and for other purposes.

S. 593 At the request of Mrs. CAPITO, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 593, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 720 At the request of Mr. CARSON, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added 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. 1350 At the request of Ms. DUCKWORTH, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 1550, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1292 At the request of Mr. PETERS, the name of the Senator from Montana
At the request of the Senator from Maryland (Mr. Van Hollen) was added as a cosponsor of S. 1299, a bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services and prediabetes care with pre-diabetics or with risk factors for developing type 2 diabetes.

S. 1919

At the request of Mr. Booker, the name of the Senator from Maryland (Mr. Van Hollen) was added as a cosponsor of S. 1919, a bill to end the use of body-gripping traps in the National Wildlife Refuge System.

S. 2076

At the request of Ms. Collins, the name of the Senator from Alaska (Mr. Sullivan) was added as a cosponsor of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2506

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

S. 2515

At the request of Mr. Hoeven, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of S. 2515, a bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes, and for other purposes.

S. 2524

At the request of Mr. Hoeven, the name of the Senator from Arizona (Mr. McCain) was added as a cosponsor of S. 2524, a bill to amend the Public Health Service Act to authorize a loan repayment program for substance use disorder treatment employees, and for other purposes.

S. 2554

At the request of Ms. Collins, the name of the Senator from Tennessee (Mr. Alexander) was added as a cosponsor of S. 2554, a bill to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

S. 2795

At the request of Mr. Cornyn, the name of the Senator from South Carolina (Mr. Scott) was added as a cosponsor of S. 2795, a bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

S. 2842

At the request of Mrs. Capito, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 2842, a bill to prohibit the marketing of bogus opioid treatment programs or products.

S. 2890

At the request of Mrs. McCaskill, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 2920, a bill to amend title XVIII of the Social Security Act to impose certain requirements under the Medicare program with respect to outlier prescribers of opioids.

S. 2924

At the request of Mr. Scott, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 2924, a bill to encourage the use of family-focused residential treatment programs for substance use disorder treatment.

S. 3049

At the request of Mr. Wyden, the name of the Senator from California (Ms. Harris) was added as a cosponsor of S. 3049, a bill to amend the Help America Vote Act of 2002 to require paper ballots and risk-limiting audits in all Federal elections, and for other purposes.

S. 3057

At the request of Mr. Portman, the name of the Senator from Alaska (Mr. Sullivan) was added as a cosponsor of S. 3057, a bill to provide for the processing by U.S. Customs and Border Protection of certain international mail shipments and to require the provision of advance electronic information on international mail shipments of mail.

S. 3060

At the request of Ms. Cantwell, the name of the Senator from Massachusetts (Ms. Warren) was added as a cosponsor of S. 3060, a bill to repeal section 2141 of the Revised Statutes to remove the prohibition on certain alcohol manufacturing on Indian lands.

S. 3140

At the request of Mr. Inhofe, the name of the Senator from Iowa (Mrs. Ernst) was added as a cosponsor of S. 3140, a bill to amend the Packers and Stockyards Act for the establishment of a trust for the benefit of all unpaid cash sellers of livestock, and for other purposes.

S. 3237

At the request of Mr. Cruz, the names of the Senator from Louisiana (Mr. Kennedy) and the Senator from West Virginia (Mr. Capito) were added as cosponsors of S. 3257, a bill to impose sanctions on foreign persons responsible for serious violations of international law regarding the protection of civilians during armed conflict, and for other purposes.

S. 3289

At the request of Mrs. Cotton, the names of the Senator from Florida (Mr. Rubio), the Senator from Oklahoma (Mr. Lankford) and the Senator from West Virginia (Mrs. Capito) were added as cosponsors of S. 3290, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Tomb of the Unknown Soldier.

S. 3290

At the request of Mr. Paul, the name of the Senator from West Virginia (Mr. Manchin) was added as a cosponsor of S. 3290, a resolution encouraging the Government of Pakistan to release Asia Bibi, internationally known as Asia Bibi, and reform its religiously intolerant laws regarding blasphemy.

S. RES. 606

At the request of Mr. Cardin, the name of the Senator from Massachusetts (Ms. Warren) was added as a cosponsor of S. Res. 606, a resolution expressing the sense of the Senate that the United States condemns all forms of violence against children globally and recognizes the harmful impacts of violence against children.

At the request of Mr. Boozman, the names of the Senator from Alaska (Ms. Murkowski) and the Senator from West Virginia (Mrs. Capito) were added as cosponsors of S. Res. 606, supra.

S. RES. 607

At the request of Mr. Schatz, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. Res. 607, a resolution reaffirming the vital and indispensable role the free press serves.

AMENDMENT NO. 3691

At the request of Ms. Baldwin, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of amendment No. 3691 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3702

At the request of Mr. Moran, the names of the Senator from Connecticut (Mr. Murphy), the Senator from North Dakota (Mr. Hoeven) and the Senator from Texas (Mr. Cornyn) were added as cosponsors of amendment No. 3702 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3703

At the request of Mr. Kennedy, the name of the Senator from Oregon (Mr. Wyden) was added as a cosponsor of amendment No. 3703 proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3709

At the request of Ms. Warren, the name of the Senator from Iowa (Mrs. Ernst) was added as a cosponsor of amendment No. 3709 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

AMENDMENT NO. 3720

At the request of Ms. Warren, the name of the Senator from Rhode Island (Mr. Reed) was added as a cosponsor of
amendment No. 3720 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Amendment No. 3771
At the request of Mr. ENHOF, the names of the Senator from Rhode Island (Mr. REED), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of amendment No. 3751 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Amendment No. 3785
At the request of Mr. MENENDEZ, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 3735 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Amendment No. 3793
At the request of Mr. WYDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 3731 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Amendment No. 3751
At the request of Mr. REED, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of amendment No. 3763 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Amendment No. 3783
At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of amendment No. 3763 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Amendment No. 3791
At the request of Mr. MURPHY, the names of the Senator from Massachusetts (Mr. MARKEY), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. PETERS) and the Senator from New Jersey (Mr. BRICKER) were added as cosponsors of amendment No. 3793 intended to be proposed to H.R. 6157, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. WYDEN:
S. 3360. A bill to amend the Rural Electrification Act of 1936 to improve access to broadband telecommunications services in rural areas, including by encouraging the provision of broadband loans and grants to increase broadband service in emerging harbor projects, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, today I am introducing the Broadband Internet for Small Ports Act to help small ports access broadband loans and grants, which will increase internet service in rural coastal communities nationwide.

Nearly a third of Americans lack access to high-speed internet, and there is a considerable digital divide between rural and urban America. Rural communities must be brought up to speed so that all Americans can compete online in a global economy.

In rural coastal areas people congregate near inland and small ports, and these harbors act as hubs for commerce and tourism. This bill recognizes the importance of small ports to their rural economies. This bill will help small ports nationwide get federal loans and grants and improve their broadband coverage, thereby enabling working-waterfronts to order inventory and coordinate deliveries, access real-time weather updates, and grow economically.

Broadband loan and grant applications submitted to the Department of Agriculture’s Rural Utility Service are assigned different levels of priority before they are awarded. This bill recognizes the importance of small ports, and elevates the priority of applications seeking to boost internet capacity. This bill states that broadband loans and grants from the Rural Development grants will be considered equal in priority to applications that are developed with the participation of a nonprofit or philanthropic organization.

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:

SEC. 2. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950b) is amended—
(1) in subsection (a), by striking ‘‘loans and’’ and inserting ‘‘GRANTS, LOANS, and’’;
(2) in subsection (b),—
(A) in the subsection heading, by striking ‘‘loans and’’ and inserting ‘‘GRANTS, LOANS, and’’;
(B) in paragraph (1), by inserting ‘‘make grants and’’ after ‘‘Secretary shall’’;
(C) by striking paragraph (2) and inserting the following:
‘‘(2) PRIORITY.—
(A) IN GENERAL.—In making grants, loans, or loan guarantees under paragraph (1), the Secretary shall—
(i) give the highest priority to applications for projects to provide broadband service to unserved rural communities that do not have any residential broadband service;
(ii) give priority to applications for projects to provide the maximum level of broadband and services to the greatest proportion of rural households in the proposed service area identified in the application;
(iii) give priority to applications for projects to expand and extend broadband to more rural areas, including the Greater Yellowstone Ecosystem, and the greater Midwest and Southeast, and the new Appalachia, and the new Great Lakes, and the new Great Plains;
(iv) provide equal consideration to all eligible entities, including those that have not previously received grants, loans, or loan guarantees under paragraph (1); and
(v) with respect to 2 or more applications that are given the same priority under clause (i) give priority to an application that requests less grant funding than loan funding;
(B) OTHER.—After giving priority to the applications described in clauses (i) and (v) of subparagraph (A), the Secretary shall then give priority to applications—
(i) for projects to provide broadband service in rural communities;
(ii) with a population of less than 10,000 permanent residents;
(iii) that are experiencing outmigration and have adopted a strategic community investment plan under section 379H(d) that includes considerations for improving and expanding broadband service;
(iv) that have a considerable digital divide between rural and urban America. Rural communities must be brought up to speed so that all Americans can compete online in a global economy.

This Act may be cited as the ‘‘Broadband Internet for Small Ports Act’’.
“(i) construction, including labor and materials;”
“(ii) project applications; and
“(iii) other development activities, as determined by the Secretary.”

“(B) ELIGIBILITY.—To be eligible for a grant under this section, the project that is the subject of the grant shall be carried out in a rural area.”

“(C) MAXIMUM.—Except as provided in subparagraph (D), the amount of any grant made under this section shall not exceed 50 percent of the development costs of the project for which the grant is provided.”

“(D) SECRETARIAL AUTHORITY TO ADJUST.—The Secretary may—

“(i) modify the percent of any grant or loan made or guaranteed under this section to between 60 percent and 100 percent, as determined by the Secretary; and

“(ii) submit to the Congress a proposal for a project, on which the Secretary shall provide feedback regarding how the proposal could be changed to improve the likelihood that the Secretary would approve the application.”

“(J) in paragraph (10)(A), by striking “15” and inserting “30”;

“(K) by adding at the end the following:

“(II) implementing accountability measures and related activities authorized under this section;”

“(L) in section (m), by striking “$25,000,000” and inserting “$150,000,000”;

“(M) in subsection (n) (as so redesignated)—

“(A) by striking “grant, loan, or” and inserting “grant, loan,” and

“(B) by striking “2008 through 2023” and inserting “2019 through 2023.”

“SUBMITTED RESOLUTIONS

SENATE RESOLUTION 610—URGING THE RELEASE OF INFORMATION REGARDING THE SEPTEMBER 11, 2001, TERRORIST ATTACKS UPON THE UNITED STATES

WHEREAS the people of the United States are necessary for a full public understanding of the events and circumstances surrounding the September 11, 2001, terrorist attacks; and

WHEREAS the decision to declassify or classify as classified status of many of these documents prevents the people of the United States from having access to information about the September 11, 2001, terrorist attacks, including the involvement of certain foreign governments in the attacks; and

WHEREAS the people of the United States and the families of the victims of the September 11, 2001, terrorist attacks deserve full and public disclosure of the events surrounding the attacks; Now, therefore, be it

RESOLVED, That it is the sense of the Senate that—

(1) documents related to the events of September 11, 2001, should be declassified to the greatest extent possible.

(2) the survivors, the families of the victims, and the people of the United States deserve answers about the events and circumstances surrounding the September 11, 2001, terrorist attacks upon the United States.
SENATE RESOLUTION 611—OPPOSING THE TARGETED HARASSMENT OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICERS AND EMPLOYEES AND REAFFIRMING THE FUNDAMENTAL PRINCIPLE THAT PUBLIC SAFETY SERVICES SHOULD BE PROVIDED WITHOUT DISCRIMINATION.

Mr. CASSIDY (for himself and Mr. PELUSA) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Res. 611

Whereas Alexandria Ocasio-Cortez, a candidate for Congress from New York, welcomed the support of Occupy ICE LA, a group that called U.S. Immigration and Customs Enforcement (in this preamble referred to as “ICE”) a “genocidal ethnic cleansing machine” and “the Gestapo” and posted photos of ICE employees on the internet, encouraging activists to “[k]now their faces, never allow them to feel safe”;

Whereas Cynthia Nixon, a candidate Governor of New York, declared that ICE “is a terrorist organization”;

Whereas a mob of leftist activists recently surrounded an ICE office in southwest Portland, Oregon, trapping ICE employees inside the building;

Whereas ICE employees were subjected to doxxing—violent threats through their social media profiles, phone numbers, and home addresses were posted on the internet by leftist activists;

Whereas an ICE officer was reportedly followed and “confronted when he went to pick up his daughter from summer camp”, and another “had his name and photo plastered on flyers outside his home accusing him of being part of the ‘Gestapo’” according to the Wall Street Journal;

Whereas the Mayor of Portland, Oregon, Ted Wheeler, barred the Portland Police Bureau from coming to the aid of ICE employees, stating: “I do not want the @PortlandPolice to be engaged or sucked into a situation that is generated by a Federal agency that I believe is on the wrong track. . . . If they are looking for a bailout from the public, I do not want the police bureau from coming to the aid of ICE employees”;

Whereas the ICE office in southwest Portland was shut down for days due to threats and occupation;

Whereas leftist activists have similarly harassed and threatened ICE employees and targeted ICE offices for closure around the country;

Whereas the National Immigration and Customs Enforcement Council’s representative stated in a letter to Mayor Ted Wheeler that “[y]our current policy forbidding Portland police officers from responding to calls for service from ICE employees immediately. Our membership has been the subject to threats of physical violence and harassment since you announced such policy”;

Whereas the President of the Portland Police Association, Daryl Turner, stated, “There is no place for personal, political bias when providing public safety services to our communities. In that respect, our Mayor, who is also our Police Commissioner, has failed miserably.”; Now, therefore, be it

Resolved, That the Senate—

(1) expresses solidarity with the men and women of ICE who are serving and Customs Enforcement who bring human traffickers, drug traffickers, gang members, and violent criminals to justice;

(2) condemns doxxing and targeted harassment of all officers and employees of U.S. Immigration and Customs Enforcement and the violent threats they continue to endure from leftist activists;

(3) calls on the Mayor of Portland, Oregon, Ted Wheeler, to immediately resign so that a leader committed to protecting all law-abiding citizens from harm can assume the duties of Mayor of Portland.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3796. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table.

SA 3797. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3798. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3799. Mr. MERKLEY (for himself, Mr. VAN HOOGSTADT, and Mr. TRUMPELSTILTSKN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3800. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3801. Mr. DURBIN (for himself, Ms. WARREN, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3802. Mr. DURBIN (for himself, Ms. WARREN, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3803. Mrs. GILLIBRAND (for herself, Mr. ROUGH, Mr. SCHUMER, Mr. MANCHIN, Mrs. CAPITO, Mr. GARDNER, Mr. BENNET, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3804. Ms. CANTWELL (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3805. Mr. NELSON (for himself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3806. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3807. Mr. WARNER (for himself and Mr. KAIN) submitted an amendment intended to be proposed by him to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3808. Mr. GARDNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3809. Mr. CRUZ (for himself, Mr. RUBIO, and Mr. BARR) submitted an amendment intended to be proposed by him to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3810. Mr. HELLER (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3811. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3812. Mrs. HYDE-SMITH (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3813. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3814. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3815. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3816. Ms. KLOBUCHAR (for herself and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3817. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3818. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3819. Mr. WHITEHOUSE (for himself, Mr. CRUZ, and Mr. HEINRICHS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3820. Mr. REED (for himself, Ms. MURKOWSKI, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3821. Mr. UDALL (for himself and Mr. HEINRICHS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3822. Mr. UDALL (for himself and Mr. HEINRICHS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3823. Mr. UDALL (for himself and Mr. HEINRICHS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3824. Mr. UDALL (for himself, Mrs. CAPITO, and Mr. HEINRICHS) submitted an amendment intended to be proposed by him to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3825. Ms. CORTEZ MASTO (for herself and Mr. EWING) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157.
6157, supra; which was ordered to lie on the table.
SA 3836. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3848 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3837. Mr. CASEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3838. Mr. MENENDEZ (for himself, Mr. COONEY, Mr. WHITEHOUSE, Mr. REED, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3836 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3839. Mr. MENENDEZ (for himself, Mr. WHITEHOUSE, Mr. REED, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3836 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3840. Mr. CASEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3841. Mrs. MCCASKILL (for herself and Mr. UDALL, Mr. BOOKER, and Mr. HINCHIe) submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3842. Mr. ISAKSON (for himself, Mrs. MCCASELL, Mr. WARNER, Mr. PAUL, Mr. CORY, Mr. GILLIBRAND, and Mr. KADIE) submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3843. Mr. KERR (for himself, Mr. DUCKWORTH (for herself and Mr. RUBIO, Mr. BLUMENTHAL, and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3844. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3845. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3846. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3847. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3848. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3849. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3850. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3851. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3852. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3853. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3854. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3855. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3856. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3835 proposed by Mr. SHELBY to the bill H.R. 6157, supra; which was ordered to lie on the table.
SA 3857. Mr. WARNER (for himself, Mr. YOUNG, Mr. BENNET, Mr. SASSE, Mr. HORVEN,
and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3897. Mr. CORNYN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3878. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3896. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3895. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3900. Mr. HIRONO submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3898. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3899. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3902. Mr. UDALL (for himself and Mr. HEINRICHS) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3903. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3905. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3906. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3907. Mr. PETERS (for himself and Ms. STARRENOW) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3908. Ms. CANTWELL (for herself and Mr. HARRIS) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3909. Ms. HIRONO (for herself, Mr. BOOKER, Mrs. GILLIBRAND, Ms. WARNER, Mr. BLUMENTHAL, and Mr. MARKKAYS) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3910. Mr. SHELEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3894. Ms. HEITKAMP (for herself, Ms. MURkowski, and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3895. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3896. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3898. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3899. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

SA 3900. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3796. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3995 proposed by Mr. SHELEY to the bill H.R. 6157, making appropriations for the Department of
Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 774. LIMITATION ON MILITARY ASSISTANCE.

(a) In General.—Except as provided under subsection (b), the President may not furnish any security assistance or to engage in any military-to-military activities with the armed forces of Burma, including training or observation or participation in regional exercises, until the Secretary of State, in consultation with the Secretary of Defense, provides a report to the appropriate congressional committees that the Burmese military has demonstrated significant progress in abiding by international human rights standards and is undertaking meaningful and significant security sector reform, including transparency and accountability to prevent future human rights violations, as determined by applying the following criteria:

(1) The military adheres to international human rights standards and pledges to stop future violations, as determined after the date of the enactment of this Act.

(2) The military supports efforts to carry out meaningful and comprehensive investigations of credible reports of abuses and is taking steps to hold accountable those in the Burmese military responsible for human rights violations.

(3) The military supports efforts to carry out meaningful and comprehensive investigations of reports of conflict-related sexual and gender-based violence and is taking steps to hold accountable those in the Burmese military responsible for sexual and gender-based violence.

(4) The Government of Burma, including the military, allows immediate and unfettered humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State.

(5) The Government of Burma, including the military, cooperates with the United Nations High Commissioner for Refugees and other international organizations and agencies to ensure the protection of displaced persons and the safe and voluntary return of Rohingya refugees and internally displaced persons.

(6) The Government of Burma, including the military, takes observable steps toward the implementation of the recommendations of the Advisory Commission on Rakhine State.

(b) EXCEPTIONS.—(1) CERTAIN EXISTING AUTHORITY.—The Department of Defense may continue to conduct consultations based on the authorities under existing law and the Secretary of Defense submits a report to the appropriate congressional committees.

(2) HOSPITALS.—The Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; is hereby increased by $50,000.

(b)(1) The amount appropriated by title I of this division under the heading “National Guard Personnel, Army” is hereby increased by $50,000.

(b)(2) The amount appropriated by title II of this division under the heading “National Guard Personnel, Army” is hereby decreased by $450,000.

SEC. 775. MILITARY REFORM.

(a) IN GENERAL.—The certification required under subsection (a) shall include a written justification in classified and unclassified form, on the strategy and plans for future military-to-military engagement between the United States Armed Forces and the military of Burma, including:

(A) A description and assessment of the Government of Burma's strategy for security sector reform, including as it relates to an end to involvement in the illicit trade in arms and other services, including to end corruption and illicit drug trafficking, and constitutional reforms to ensure civilian control of the Government.

(B) A list of military activities conducted by the United States Government with the Government of Burma, and a description of the United States strategy for future cooperation that promotes respect for human rights, rule of law, and good governance between the United States and Burma's military forces, including the military of Burma, the Burma Police Force, and armed ethnic groups.

(C) An assessment of the progress of the military of Burma towards developing a framework to implement human rights reforms, including a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

(D) An assessment of progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the military of Burma to cease to use or enter into agreements, allow for safe and voluntary returns of displaced persons to their villages of origin, and withdraw forces from conflict zones.

(E) An assessment of the Burmese military recruitment and use of children as soldiers.

(F) An assessment of the Burmese military's use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

(G) An assessment whether the Burmese military supplied arms and training to minority groups in Rakhine State, which were used in a systematic campaign of ethnic cleansing of the Rohingya.

(c) MILITARY REFORM.—Any program initiated under this section shall use appropriate channels to forward to the Government of Burma a democratically elected Government of Burma.

(d) REGULAR CONSULTATIONS.—Any new program or activity in Burma initiated under this section shall be subject to prior consultation with the appropriate congressional committees.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SA 3797. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 776. IMPLEMENTATION OF NATIONAL SECURITY AND HUMAN RIGHTS GOALS IN BURMA.

(a) IN GENERAL.—Except as provided under subsection (b), the amount appropriated by title II of this division under the heading “National Guard Personnel, Army” is hereby decreased by $50,000.

(b) EXCEPTIONS.—(1) The amount appropriated by title I of this division under the heading “National Guard Personnel, Army” is hereby increased by $50,000.

(b)(1) The amount appropriated by title II of this division under the heading “National Guard Personnel, Army” is hereby decreased by $450,000.

(b)(2) The amount appropriated by title II of this division under the heading “National Guard Personnel, Army” is hereby decreased by $50,000.

SA 3798. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 777. IMPLEMENTATION OF NATIONAL SECURITY AND HUMAN RIGHTS GOALS IN BURMA.

(a) Congress makes the following findings:

(1) The Saudi-led coalition air strike on a bus on August 9, 2018, in the Saada Province of Yemen reportedly killed 51 people, 40 of whom were children, and injured dozens more.

(2) That air strike represents one of more than 17,000 total air strikes conducted by the coalition since 2015. The United Nations Humanitarian Fund (UNHCR) assesses that, from December 2017 to May 2018, 80 percent of the civilian deaths in the 5 Yemeni governorates most affected by the fighting.

(b) No funds appropriated or otherwise made available by this Act may be made available for authorized in-flight refueling of Saudi or coalition non-United States aircraft conducting missions in Yemen pursuant to section 232 of title 10, United States Code, or any other applicable statutory authority unless—

(1) the Government of Saudi Arabia or the government of a Saudi-led coalition member provides the Secretary of Defense advance notification of the intended target in Yemen; and

(2) the Secretary of Defense certifies to the appropriate committees of Congress with a high degree of confidence that the Saudi or Saudi-led coalition mission in Yemen is consistent with the purpose of the authorization of the use of military force.

(c) In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and
(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 3799. Mr. MERKLEY (for himself, Mr. VAN HOLLEN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

Sign. None of the funds appropriated or otherwise made available by this Act or any other Act may be used—
(1) to prevent a Member of Congress from entering, for the purpose of conducting oversight, any facility located in the United States at which alien minors are housed or otherwise detained;
(2) to require any Member of Congress to coordinate through a Congressional entity for their entry into, for the purpose of conducting oversight, any facility described in paragraph (1); or
(3) to make any temporary modification at a facility described in paragraph (1) that in any way alters what is observed by a visiting Member of Congress, compared to what would be observed in the absence of such modification.

SA 3800. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

Sign. None of the funds appropriated, in addition to any other amounts made available under this title, $100,000,000 for the block grant for substance abuse prevention and treatment under subpart B of part B of title XIX of the PHS Act.

SA 3801. Mr. DURBIN (for himself, Ms. WARREN, Mr. WHITEHOUSE, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3801. (a) UNDUE HARDSHIP.—No funds made available in this Act or in any other Act may be used to contest a claim, or to pay any contractor of the Federal Government that contests a claim, that is made—
(1) in any proceeding under section 523(a)(8) of title 11, United States Code, that exempting a debt from discharge would constitute an undue hardship; and
(2) by a debtor who—
(A) is receiving benefits under title II of the Social Security Act (42 U.S.C. 901 et seq.) or title XVI of that Act (42 U.S.C. 1381 et seq.) on the basis of disability;
(B) has been determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability; or
(C) is a family caregiver of an eligible veteran pursuant to section 1729G of title 38, United States Code;
(D) is a member of a household that has a gross income that is less than 200 percent of the poverty line, and the income of the debtor or member of the immediate family of the debtor;
(E) is a member of a household that has a gross income that is less than 200 percent of the poverty line, and the income of the debtor is solely derived from benefit payments to a local water authority located in the vicinity of an Air Force or Air National Guard base (including a base not Federally-owned) for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority or privately owned which is undertaken by the Environmental Protection Agency Lifetime Health Advisory level for such acids: Provided, That the applicable Lifetime Health Advisory level in effect on the date of enactment of this Act: Provided further, That the local water authority must have requested such a payment from the Air Force or the Air National Guard Bureau, on or before March 1, 2019, or the Air Force or National Guard Bureau must have become aware of such a treatment plan before that date, for payment under this section to occur: Provided further, That the elevated levels of such acids in the water must have been the result of activities conducted by or paid for by the Department of the Air Force for payment under this section to occur: Provided further, That such funds may be expended without regard to existing contractual provisions in agreements between the Department of the Air Force or the National Guard Bureau, as the case may be, and the State in which the base is located related to environmental relocations or indemnification: Provided further, That, in order to be eligible for payment under this section, such treatment must have been paid for by funds made available after May 25, 2016, and the local water authority must waive all claims for treatment expenses incurred before such date: Provided further, That any payment under this section may not exceed the actual cost of such treatment resulting from the activities conducted by or paid for by the Department of the Air Force: Provided, That the Secretary of the Air Force may enter into such agreements with the local water authority as may be necessary to implement this section.

SA 3804. Ms. CANTWELL (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

Provided, That the funds appropriated or otherwise made available by title II of this division under the headings “Operation and Maintenance, Air National Guard” and “Operation and Maintenance, Air Force”, not more than a total of $45,000,000 shall be available to the Secretary of the Air Force for payment to a local water authority located in the vicinity of an Air Force or Air National Guard base (including a base not Federally-owned) for the treatment of perfluorooctane sulfonic acid and perfluorooctanoic acid in drinking water from the wells owned and operated by the local water authority or privately owned which is undertaken by the Environmental Protection Agency Lifetime Health Advisory level for such acids: Provided, That the applicable Lifetime Health Advisory level in effect on the date of enactment of this Act: Provided further, That the local water authority must have requested such a payment from the Air Force or the Air National Guard Bureau, on or before March 1, 2019, or the Air Force or National Guard Bureau must have become aware of such a treatment plan before that date, for payment under this section to occur: Provided further, That the elevated levels of such acids in the water must have been the result of activities conducted by or paid for by the Department of the Air Force for payment under this section to occur: Provided further, That such funds may be expended without regard to existing contractual provisions in agreements between the Department of the Air Force or the National Guard Bureau, as the case may be, and the State in which the base is located related to environmental relocations or indemnification: Provided further, That, in order to be eligible for payment under this section, such treatment must have been paid for by funds made available after May 25, 2016, and the local water authority must waive all claims for treatment expenses incurred before such date: Provided further, That any payment under this section may not exceed the actual cost of such treatment resulting from the activities conducted by or paid for by the Department of the Air Force: Provided, That the Secretary of the Air Force may enter into such agreements with the local water authority as may be necessary to implement this section.
twice as likely to be diagnosed with the disease; such disease; after the date of enactment of this Act, sub-
contract with the National Academy of Sciences conducts a study on amyotrophic lateral sclerosis and, not later than 1 year
of the enactment of this Act, the Com-
and the private sector in influencing and shaping national security challenges.

The entities providing training under this section shall include and emphasize the following:

- Integration and synchronization of policy across the federal government.
- An understanding of the role of Congress, State and local governments, community organizations, academia, foreign governments, non-governmental organizations, and the private sector in influencing and executing whole-of-Government solutions.
- Operating in an interagency environment.
- Table-top role playing exercises and mentorship programs designed to enable participants to gain a greater understanding of interagency partnerships and means of operating successfully in a whole-of-Government environment.

Not later than 3 years after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate a report on how the Department of Education is coordinating with the National Aeronautics and Space Administration and the National Science Foundation to promote science, technology, engineering, and mathematics programs that benefit students in grades pre-kindergarten through 12.

Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Health, Education, Labor, and Pensions of the Senate a report on how the Department of Education is coordinating with the National Aeronautics and Space Administration and the National Science Foundation to promote science, technology, engineering, and mathematics programs that benefit students in grades pre-kindergarten through 12.

Not later than 3 years after the date of enactment of this Act, the Secretary of Defense shall submit to the Committee on Appropriations, the Committee on Commerce, Science, and Transportation, and the Committee on Health, Education, Labor, and Pensions of the Senate a report on how the Department of Education is coordinating with the National Aeronautics and Space Administration and the National Science Foundation to promote science, technology, engineering, and mathematics programs that benefit students in grades pre-kindergarten through 12.
Committee on Appropriations and the Committee on Armed Services of the House of Representatives a report that contains an assessment of how increases in fees and copayments for services offered under the TRICARE program impacts access to mental health services by members of the Armed Forces and veterans.

SA 3812. Mrs. HYDE-SMITH (for herself and Mr. REED) submitted an amendment intended to be proposed to amendment SA 3855 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Section 115 of title I of division B is amended by striking "shall be applied in fiscal year 2019 by substituting 'seven' for 'six'" and inserting "is amended by striking "six' and inserting 'seven'."

SA 3813. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 330N. GRANTS FOR TRAINING AND SUPPORT SERVICES FOR PEOPLE LIVING WITH ALZHEIMER’S DISEASE OR A RELATED DEMENTIA.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

"SEC. 330N. GRANTS FOR TRAINING AND SUPPORT SERVICES FOR PEOPLE LIVING WITH ALZHEIMER’S DISEASE OR A RELATED DEMENTIA.

"(a) DEFINITIONS.—In this section:

"(1) AREA AGENCY ON AGING.—The term ‘area agency on aging' has the meaning given in the term section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"(2) MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community' has the meaning given the term in section 7093.

"(b) GRANTS.—The Secretary may award grants to public or nonprofit private health care providers described in subsection (c) for the purpose of expanding training and support services for families and caregivers of people living with Alzheimer’s disease or a related dementia if such health care providers—

"(1) meet the conditions for receiving grants under subsection (d); and

"(2) submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may reasonably require.

"(c) RECIPIENTS OF GRANTS.—The public or nonprofit private health care providers described in this subsection shall include—

"(1) health care organizations;

"(2) community health centers;

"(3) nursing homes;

"(4) senior centers;

"(5) area agencies on aging;

"(6) community-based organizations;

"(7) organizations providing support services for families and caregivers of patients with younger-onset Alzheimer’s disease or a related dementia; and

"(8) States, local, and tribal public health agencies and social service agencies.

"(d) CONDITIONS FOR RECEIVING GRANTS.—To be eligible to receive a grant awarded under subsection (b), a public or nonprofit health care provider described in subsection (c) shall agree—

"(1) to employ a comprehensive approach to caring for patients with Alzheimer’s disease or a related dementia that integrates treatment of such patients with training and support services for the families and caregivers of such patients;

"(2) in any program to be funded by a grant awarded under subsection (b), that services will be provided in the languages most appropriate for, and with consideration for the cultural backgrounds of, the individuals for whom the services are provided; and

"(3) to provide outreach activities to inform the public of the services of the program, and to provide information on Alzheimer’s disease and related dementias to the public.

"(e) COORDINATION.—The Secretary shall coordinate with the Director of the Office on Women’s Health and the Director of the Office of Minority Health in order to ensure that women, minorities, and patients who live in medically underserved communities are able to benefit from the training and support services funded through grants awarded under subsection (b).

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2018 through 2023.

"(2) ALLOCATION FOR MEDICALLY UNDERSERVED COMMUNITIES.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 10 percent for grants awarded under subsection (b) to public or nonprofit private health care providers that primarily serve medically underserved communities and meet the requirements under this section.

"(g) REPORT.—In the case of an individual who is enrolled in or attending a program to obtain a recognized postsecondary credential or occupational license, the term 'qualified higher education expenses' includes expenses similar to the expenses described in subparagraph (A) which are required to obtain such program.

"(ii) PROGRAM TO OBTAIN A RECOGNIZED POSTSECONDARY Credential.—For purposes of this subparagraph—

"the term 'recognized postsecondary credential' has the meaning given the term in section 3(52) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102(52)), and

"when used with respect to obtaining such a credential, the term 'program' means only a program which is included, on the list described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d))."

(b) The amendment made by this section shall apply to expenses paid or incurred in taxable years beginning after the date of the enactment of this Act.

SA 3816. Ms. KLOBUCHAR (for herself and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. COVERDELL LIFELONG LEARNING ACCOUNTS.

(a) IN GENERAL.—

"(1) RENAMING OF COVERDELL EDUCATION SAVINGS ACCOUNTS.—Section 536 of the Internal Revenue Code of 1986 is amended—

"(A) by striking "Coverdell education savings accounts" and inserting "Coverdell lifelong learning accounts";

"(B) by striking "Coverdell education accounts" and inserting "Coverdell lifelong learning accounts";

"(C) by striking "Coverdell education savings account" and inserting "Coverdell lifelong learning account";

"(D) by striking "Coverdell education account" and inserting "Coverdell lifelong learning account";

"(E) by striking "Coverdell education savings accounts" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNTS";

"(2) CONFORMING AMENDMENTS.—

"(A) Section 26(b)(2)(E) of the Internal Revenue Code of 1986 is amended by striking "Coverdell education savings accounts" and inserting "Coverdell lifelong learning accounts";

"(B) Section 72(e)(9) of such Code is amended—

"(i) by striking "Coverdell education savings account" and inserting "Coverdell lifelong learning account"; and

"(ii) by striking "Coverdell education savings account" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(C) Section 135(c)(2)(C) of such Code is amended—

"(i) by striking "Coverdell education savings account" and inserting "Coverdell lifelong learning account"; and

"(ii) by striking "Coverdell education savings account" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(D) Section 408A(e)(2)(A)(ii) of such Code is amended by striking "Coverdell education savings accounts" and inserting "Coverdell lifelong learning account".

"(E) Section 529(c) of such Code is amended—

"(i) by striking "Coverdell education savings account" and inserting "Coverdell lifelong learning account"; and

"(ii) by striking "Coverdell education savings account" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(F) Section 408A(e)(2)(A)(ii) of such Code is amended by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts".

"(G) Section 529(c) of such Code is amended—

"(i) by striking "Coverdell education savings account" and inserting "Coverdell lifelong learning account"; and

"(ii) by striking "Coverdell education savings account" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(H) Section 408A(e)(2)(A)(ii) of such Code is amended by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts".

"(I) Section 529(c) of such Code is amended—

"(i) by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts"; and

"(ii) by striking "Coverdell education saving accounts" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(J) Section 408A(e)(2)(A)(ii) of such Code is amended by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts".

"(K) Section 529(c) of such Code is amended—

"(i) by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts"; and

"(ii) by striking "Coverdell education saving accounts" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(L) Section 408A(e)(2)(A)(ii) of such Code is amended by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts".

"(M) Section 529(c) of such Code is amended—

"(i) by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts"; and

"(ii) by striking "Coverdell education saving accounts" in the heading and inserting "COVERDELL LIFELONG LEARNING ACCOUNT".

"(N) Section 408A(e)(2)(A)(ii) of such Code is amended by striking "Coverdell education saving accounts" and inserting "Coverdell lifelong learning accounts".
force investment activities under section 123 of such Act, or

'(v) adult education and literacy activities, as defined in section 128 of the Adult Education and Family Literacy Act (20 U.S.C. 1099), that are provided by eligible providers of adult education and literacy activities under section 231 of such Act (20 U.S.C. 1122).

'(b) expenses for transportation required for or provided by any of the services or activities described in subparagraph (A);

'(c) expenses for testing or certification with respect to any of the services or activities described in subparagraph (A).

''(2) nonelective contributions.—The term 'nonelective contribution' means an employer contribution other than an employer contribution pursuant to a salary reduction arrangement.

''(3) AGGREGATION AND OTHER RULES MADE APPLICABLE.—

'(A) AGGREGATION RULES.—All employers treated as a single employer under subsection (b), (c), (d), or (e) of section 414 shall be treated as a single employer for purposes of this section.

'(B) OTHER RULES.—Rules similar to the rules set forth in subsections (c), (d), and (e) of section 52 shall apply.

''(2) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking 'plus' at the end of paragraph (31), by striking the period at the end of paragraph (32) and inserting ', plus', and by adding at the end the following new paragraph:

'(3) INCREASED CONTRIBUTION LIMITATION FOR INDIVIDUALS OVER AGE 30.—

'(A) In general.—Section 530(b)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking 'age 30' and inserting 'age 70'.

'(B) INCREASED AGE LIMIT FOR CONTRIBUTIONS.—Clause (ii) of section 530(b)(1)(A) of the Internal Revenue Code of 1986 is amended by striking 'age 18' and inserting 'age 70'.

'(C) INCREASED CONTRIBUTION LIMITATION FOR INDIVIDUALS OVER AGE 30.—

'(1) In general.—Section 530(b)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting 'in excess of $10,000' after 'any balance to the credit of the designated beneficiary'.

'(2) INCREASED AGE LIMIT FOR CONTRIBUTIONS.—Clause (ii) of section 530(b)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''age 18'' and inserting ''age 70''.

'(3) CREDIT ALLOWANCE FOR BENEFICIARY.—

'(a) In general.—In the case of an individual who is the designated beneficiary of a Coverdell lifelong learning account (as defined in section 530(b)(1)), and who has attained the age of 18 before the close of the taxable year, such individual shall be allowed as a deduction an amount equal to the contributions for the taxable year made in FEDERAL INDIVIDUAL.

'(b) RECONTRIBUTED AMOUNTS.—No deduction shall be allowed under this section with respect to a rollover contribution described in section 530(d)(5).

'(c) INCREASE IN ADDITIONAL TAX.—

'(A) Amendments.—

'(i) In general.—Section 530(d)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ', plus', and by inserting ', plus'.

'(ii) CONFORMING AMENDMENT.—Section 530(c)(6) of such Code is amended by inserting
(".. except that ‘10 percent’ shall be substituted for ‘20 percent’ in subparagraph (A) thereof" before the period at the end of the first sentence.

(2) EXPENSES OF TAX TREATMENT OF DEDUCTIBLE CONTRIBUTIONS.—Paragraph (1) of section 530(d) is amended to read as follows:

'(1) INCLUSION IN GROSS INCOME.—

'(A) In general.—Any distribution shall be includible in the gross income of the distributee as follows:

'(i) So much of the distribution as is equal to or less than the deductible amount shall be fully included in gross income.

'(ii) So much of the distribution which exceeds the deductible amount shall be included in the manner prescribed in section 72 (determined by applying such section without regard to any amounts to which clause (i) applies).

'(B) DEDUCTIBLE AMOUNT.—For purposes of this paragraph, the term ‘deductible amount’ means the excess of—

'(i) the sum of contributions to the account for which a deduction was allowed under section 224 in such year and any preceeding taxable year, over

'(ii) the amount of distributions to which subparagraph (A) applied in any preceding taxable year.'.

(3) CHERIAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of such title is amended by redesignating the item relating to section 224 as relating to section 225 and by inserting after the item relating to section 223 the following new items:

'Sec. 224. Coverdell lifelong learning account contributions.'.

(4) EFFECTIVE DATE.—

'(1) GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2018.

'(2) ELIGIBLE EXPENSES.—The amendments made by subsection (b) shall apply to distributions made after December 31, 2018.

'(3) CONTRIBUTIONS.—The amendments made by paragraphs (1)(B) and (2) of subsection (c) shall apply to contributions made after December 31, 2018.

'(4) EMPLOYER CONTRIBUTION CREDIT AND BENEFICIARY DEDUCTIONS.—The amendments made by paragraph (1) of this subsection shall apply to taxable years beginning after December 31, 2018.

SA 3817. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

'Sec. 205. Expenses for eldercare.

'(a) Allowance of Credit.—

'(1) in general.—Eldercare expenses described in subparagraph (A) are incurred for services provided outside the taxpaying household by a care center which shall be taken into account only if such center complies with all applicable laws and regulations of a State or unit of local government.

'(2) Coordination with Dependent Care Assistance Exclusion.—The dollar amount in paragraph (1) shall be reduced by the aggregate amount excluded from gross income under section 129 for the taxable year, if any.

'(d) Special Rules.—For purposes of this section:

'(1) Payments to Related Individuals.—No credit shall be allowed under subsection (a) for any amount paid to any individual with respect to whom, for the taxable year, a deduction under section 151(c) is allowable either to the taxpayer or the taxpayer’s spouse. For purposes of this paragraph, the term ‘taxable year’ means the taxable year of the taxpayer in which the service is performed.

'(2) Identifying Information Required with Respect to Service Provider.—No credit shall be allowed under subsection (a) for any amount paid to any person unless—

'(A) the name and address of such person are included on the return claiming the credit, or

'(B) if such person is an organization described in section 501(c)(3) and exempt from tax under section 501(a), the name and address of such person are included on the return claiming the credit.

In the case of a failure to provide the information required under the preceding sentence, the preceding sentence shall not apply if it is shown that the taxpayer exercised due diligence in attempting to provide the information so required.

'(3) Identifying Information Required with Respect to Qualifying Individuals.—No credit shall be allowed under subsection (a) with respect to any qualifying individual unless the taxpayer identification number of such individual is included on the return claiming the credit.

'(4) Denial of Double Benefit.—No credit shall be allowed under subsection (a) if any amount with respect to which a credit is allowed under section 21.

'(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.

'(g) Redistributing Certain Payments to Eligible Individuals.—After the date of the enactment of this Act.

SA 3818. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

'SEC. 305. SAFE AND AFFORDABLE DRUGS FROM CANADA

'Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by adding at the end the following:
"SEC. 810. IMPORTATION BY INDIVIDUALS OF PRESCRIPTION DRUGS FROM CANADA.

"(a) In General.—Notwithstanding any other provision of this Act, not later than 185 days after the date of enactment of this section, the Secretary shall promulgate regulations authorizing qualified individuals to safely import into the United States a prescription drug described in subsection (b).

"(b) DESCRIPTION.—A prescription drug described in this subsection—

"(1) is a prescription drug that—

"(A) is purchased from an approved Canadian pharmacy;

"(B) is dispensed by a pharmacist licensed to practice pharmacy and dispense prescription drugs in Canada;

"(C) is processed for personal use by the individual, not for resale, in quantities that do not exceed a 90-day supply;

"(D) is filled using a valid prescription issued by a physician licensed to practice in a State in the United States; and

"(E) has the same active ingredient or ingredients, route of administration, dosage form, and strength as a prescription drug approved by the Secretary under chapter V; and

"(2) does not include—

"(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

"(C) a radioactive drug (including a peritoneal dialysis solution);

"(D) an intravenous injected drug;

"(E) a drug that is inhaled during surgery;

"(F) a parenteral drug;

"(G) a drug manufactured through one or more processes, including—

"(i) a therapeutic DNA plasmid product;

"(ii) a therapeutic synthetic peptide product of not more than 49 amino acids;

"(iii) a monoclonal antibody product for use in vivo; and

"(iv) a recombinant DNA-derived product;

"(H) a drug required to be refrigerated at any time during manufacturing, packing, processing, or holding; or

"(I) a photoreactive drug.

"(c) APPROVED CANADIAN PHARMACY.—

"(1) In general.—In this section, an approved Canadian pharmacy is a pharmacy that—

"(A) is located in Canada; and

"(B) that the Secretary certifies—

"(i) is licensed to operate and dispense prescription drugs to individuals in Canada; and

"(ii) meets the criteria under paragraph (3).

"(2) Publication of approved Canadian pharmacies.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration a list of approved Canadian pharmacies, including the Internet Web site address for such pharmacies, approved Canadian pharmacy, from which individuals may purchase prescription drugs in accordance with subsection (a).

"(3) Approval criteria.—To be an approved Canadian pharmacy, theSecretary shall certify that the pharmacy—

"(A) has been in existence for a period of at least 10 years as of the date of such certification and has a purpose other than to participate in the program established under this section;

"(B) operates in accordance with pharmacy standards set forth by the provincial pharmacy rules and regulations enacted in Canada;

"(C) has processes established by the pharmacy, or participates in another established process, to certify that the physical premises and data reporting procedures and licenses are in compliance with all applicable laws and regulations, and has implemented policies designed to monitor ongoing compliance with such laws and regulations, including—

"(D) conducts or commits to participate in ongoing and comprehensive quality assurance programs and implements such quality assurance procedures, including—

"(E) agrees that laboratories approved by the Secretary shall be used to conduct product testing to determine the safety and efficacy of sample pharmaceutical products;

"(F) has established, or will establish or participate in, a process for resolving grievances and will be held accountable for violations of established guidelines and rules;

"(G) does not resell products from online pharmacies located outside Canada to customers in the United States; and

"(H) meets any other criteria established by the Secretary.

"SA 3819. Mr. WHITEHOUSE (for himself, Mr. CRAPO, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

"At the appropriate place in division A, insert the following:


S 3819. Mr. WHITEHOUSE (for himself, Mr. CRAPO, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

"At the appropriate place in title II of division B, insert the following:

S 3820. Mr. REED (for himself, Ms. MURKOWSKI, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

"At the appropriate place in title III of division B, insert the following:

S 3821. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

"At the appropriate place in title II of division B, insert the following:

S 3822. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

"At the appropriate place in title II of division B, insert the following:

S 3823. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

"At the appropriate place in title II of division B, insert the following:

S 3824. Mr. UDALL (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 3965 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:
SA 3824. Mr. UDALL (for himself, Mrs. CAPITO, and Mr. HEINRICH) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “AGING AND DISABILITY SERVICES PROGRAMS (INCLUDING TRANSFER OF FUNDS)” under the heading “ADMINISTRATION FOR COMMUNITY LIVING” in title II of division B, strike the colon the first place it appears and insert “(and an additional amount of $5,000,000); Provided, That the additional amount of $5,000,000 made available under this heading shall be for making (under section 411 of the OAA and consistent with the requirements of the non-displacement and related grievance procedures of subtitle F of title I of the National and Community Service Act of 1990 and with the Nationwide Program for National and State Background Checks described in section 6201 of the Patient Protection and Affordable Care Act) grants to public agencies and public nonprofit agencies for placing volunteers in communities to assist older individuals and individuals with disabilities in living independently in their homes, or to support older adults who are facilitating that independent living.”.

SA 3825. Ms. CORTEZ MASTO (for herself and Mrs. Ernst) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 2. STUDY ON TRAUMATIC BRAIN INJURY.

(a) STUDY.—The Comptroller General of the United States, in meaningful consultation with experts on the intersections of domestic violence, disabilities, trauma, and mental health, shall conduct a study to evaluate the status of—

(1) research on the relationship between intimate partner violence and traumatic brain injury for victims; and

(2) public awareness and education campaigns related to the effects of intimate partner violence on victims’ brain health and its connection to traumatic brain injury experienced by victims.

(b) CONTENT.—The study conducted under subsection (a) shall include—

(1) a review on the outcomes of any previous research, the status of existing research, and efforts to address knowledge gaps across agencies of the Federal Government; and

(2) recommendations to—

(A) encourage increased research to address existing knowledge gaps relating to the relationship between intimate partner violence and traumatic brain injury experienced by victims; and

(B) increase awareness of the effects of intimate partner violence on the brain health of victims for health care and other treatment providers;

(c) Obtain from victim service providers’ awareness of the effects of intimate partner violence on victims’ brain health, enhance their capacity to identify victims with traumatic brain injuries and provide services that support victims’ healing and recovery; and

(d) increase awareness of the links between intimate partner violence and the brain health of victims’ for the general public.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committees on Appropriations, Homeland Security, and on Labor, and the Committees on Education and the Workforce, the Judiciary, and Veterans Affairs of the Senate and the House of Representatives, a report on the study conducted under subsection (a).

SA 3826. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

REPORT ON ASTHMA CONTROL ACTIVITIES

SEC. 3. Notwithstanding the final rule of the Centers for Medicare and Medicaid Services entitled “Medicare Program: Hospital Inpatient Prospective Payment System and Long Term Care Hospital Prospective Payment System and Policy Changes and Fiscal Year 2019 Rates; Quality Reporting Requirements for Specific Providers; Medicare and Medicaid Electronic Health Record (EHR) Incentive Programs (Promoting Interoperability Programs) Requirements for Eligible Hospitals, Critical Access Hospitals, and Eligible Professionals; Medicare Cost Reporting Requirements; and Physician Certification and Re-certification of Claims” or any other provision of law, none of the funds appropriated or otherwise made available by this division for the Centers for Medicare & Medicaid Services may be used to implement the final rule under section 1128A(h) of title 42, Code of Federal Regulations (including the policy under clause (vi) of such section), in effect with respect to discharges occurring during fiscal year 2018, to discharges occurring on or after October 1, 2018. The Secretary of Health and Human Services shall implement the preceding sentence in a budget-neutral manner under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

SA 3829. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

Sect. 1. (a) In addition to amounts appropriated under the heading “Children and Families Services Programs” under the heading “Administration for Children and Families”, there is appropriated $10,000,000 for purposes of carrying out title IV-B of the Child Abuse Prevention and Treatment Act.

(b) The amounts made available for necessary administrative expenses under the heading “Head Start Assistance Programs” and under the heading “Administra-

SA 3828. Mr. MENENDEZ (for himself, Mr. COONS, Mr. CARPER, Mr. WHITEHOUSE, Mr. REED, and Mr. BOOKER) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 2. (a) Of the amount appropriated or otherwise made available by title IV of this division under the heading “Research, Development, Test and Evaluation, Navy”, up to $2,000,000 may be available for research on a practical means of reducing fighter aircraft noise (both near and far field impacts) at the source while maintaining operational performance.
SA 3831. Mr. LEAHY (for Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3659 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. . . Of the amount appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Defense-Wide”, up to $20,000,000 may be available for the Department of Defense, for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. . None of the amounts appropriated or otherwise made available by this Act may be obligated or expended for the development of a beehive or other robot tender.

SA 3832. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 3659 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. . The amount expended by the Department of Defense from amounts appropriated or otherwise made available by this division for preparations for or the conduct of any particular parade may not exceed $15,000,000.

SA 3833. Mr. FLAKE (for himself, Mr. MCCAIN, and Mrs. ERNST) submitted an amendment intended to be proposed to amendment SA 3659 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. . . The amount appropriated by title II of this division under the heading “Salaries and Expenses” under the heading “National Mediation Board” in title IV of division B, strike “$13,800,000.” and insert “$13,800,000; Provided, That the National Mediation Board shall prepare and submit a report, not later than 60 days after the date of enactment of this Act, to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, and for each subsequent enactment of this Act, thereafter until submission of the report required under subparagraph (B);”.

SA 3836. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 3659 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place under the heading “Shipbuilding and Conversion, Navy” in title II of this division under the heading “Appropriations of the House of Representatives”, and in consultation with the Secretary of Defense shall conduct a study of the health implications for firefighters, police officers, and other first responders of exposure to per- and polyfluoroalkyl substances occurring during training or when fighting fires, including exposure that occurs as a result of the use of firefighting protective equipment containing per- and polyfluoroalkyl substances.

(2) RECOMMENDATIONS AND REPORTS.—The appropriation shall—

(A) not later than one year after the date of the enactment of this Act, and annually thereafter until submission of the report under paragraph (1)(i), submit to the appropriate congressional committees a report on the progress of the study under paragraph (1); and

(B) not later than 3 years after the date of enactment of this Act—

(i) complete the study under paragraph (1); and

(ii) submit a report, including any appropriate recommendations, to the appropriate congressional committees on the results of such study.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Environment and Public Works, the Committee on Veterans’ Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Commerce, the Committee on Veterans’ Affairs, the Committee on Homeland Security of the House of Representatives.
SA 3840. Ms. WARREN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

At the appropriate place in division A, insert the following:

At the appropriate place in division A, insert the following:

SA 3841. Mrs. McCASKILL (for herself and Mr. ISAKSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. ... There are appropriated, in addition to any other amounts made available under the heading “Health Workforce” under the heading “Health Resources and Services Administration,” for purposes of carrying out title VIII of the PHS Act.

SA 3844. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement, with a make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency—

(1) is aware of the unpaid Federal tax liability;

(2) has considered suspension or debarment of the corporation, and

(3) has made a determination that such suspension or debarment is necessary to protect the interests of the Federal Government.

SA 3845. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... None of the amounts appropriated or otherwise made available by this Act may be used to deactivate or re-align, or prepare for the deactivation or realignment of, Strike Fighter Squadron 101 (otherwise known as VFA 101) at Eglin Air Force Base, Florida.

SA 3846. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... None of the amounts appropriated or otherwise made available by this Act may be used to deactivate or re-align, or prepare for the deactivation or realignment of, Strike Fighter Squadron 101 (otherwise known as VFA 101) at Eglin Air Force Base, Florida.

SA 3847. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... None of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Navy”, up to $5,000,000 may be made available to plan and design activities in connection with the implementation of future homeporting decisions based on strategic dispersal objectives in the 2018 Strategic Laydown.

SA 3848. Mr. RUBIO (for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... Of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Navy”, up to $5,000,000 may be available for planning and design activities in connection with the implementation of future homeporting decisions based on strategic dispersal objectives in the 2018 Strategic Laydown.

SA 3849. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... Of the amounts appropriated or otherwise made available by title II of this division under the heading “Operation and Maintenance, Navy”, up to $5,000,000 may be available for planning and design activities in connection with the implementation of future homeporting decisions based on strategic dispersal objectives in the 2018 Strategic Laydown.

SA 3850. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... Of the amounts appropriated or otherwise made available by title III of this division under the heading “Aircraft Procurement, Air Force” may be available to the Secretary of the Air Force for one or more contracts, beginning with the fiscal year 2019 program year, to convert not more than 34 F-22 fighter aircraft of the Air Force from Block 20 configuration to Block 35 configuration.

SA 3851. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of the division A, insert the following:

SEC. ... Of the amounts appropriated or otherwise made available by title III of this division under the heading “Aircraft Procurement, Air Force” may be available to the Secretary of the Air Force for one or more contracts, beginning with the fiscal year 2019 program year, to convert not more than 34 F-22 fighter aircraft of the Air Force from Block 20 configuration to Block 35 configuration.
amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

SEC. 3695. None of the funds made available under this Act shall be used by any State educational agency or local educational agency (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) to develop or implement a discipline policy that—

(i) discriminates schools from reporting any disciplinary action to law enforcement agencies; or

(ii) discriminates law enforcement agencies from arresting an individual for—

(A) any misdemeanor domestic violence offense;

(B) harassing, stalking, or threatening an intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury;

(C) any criminal offense for which the maximum term of imprisonment is more than 1 year;

(D) any criminal offense relating to being a fugitive from justice;

(E) unlawful possession of a firearm; or

(F) exhibiting verbal or physical threatening behavior towards others, including—

(1) acts of violence resulting from expulsion from school;

(2) threats involving firearms or other weapons; or

(3) other actions resulting in a reasonable fear of bodily injury.

SA 3852. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 3692. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall—

(a) provide for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, line 2, strike the period and insert the following: 

... None of the funds made available under this Act shall be used by any State educational agency or local educational agency (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) to develop or implement a discipline policy that—

(i) discriminates schools from reporting any disciplinary action to law enforcement agencies; or

(ii) discriminates law enforcement agencies from arresting an individual for—

(A) any misdemeanor domestic violence offense;

(B) harassing, stalking, or threatening an intimate partner, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury;

(C) any criminal offense for which the maximum term of imprisonment is more than 1 year;

(D) any criminal offense relating to being a fugitive from justice;

(E) unlawful possession of a firearm; or

(F) exhibiting verbal or physical threatening behavior towards others, including—

(1) acts of violence resulting from expulsion from school;

(2) threats involving firearms or other weapons; or

(3) other actions resulting in a reasonable fear of bodily injury.

SA 3853. Mr. RUBIO for himself and Mr. NELSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 3693. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees and the congressional intelligence committees a report detailing all instances of known devices, including telecommunications equipment and components, and software embedded within or with access to any operational or business data or voice network of the Department of Defense, including devices that are produced by Huawei Technologies Company, ZTE Corporation, any subsidiary or affiliate of such entity, or any other Chinese telecommunications equipment or technology entity, and including a plan to excise such devices, components, subcomponents, or software, within 30 days of the report.

(b) The extent to which Chinese telecommunication equipment and components are embedded within operational or business data and voice networks of the Department of Defense poses to the national security of the United States.

(c) The privacy and security threats posed to members of the Armed Forces and their families by the use of Chinese-origin telecommunications devices, components, subcomponents, and software, including mobile phones, fitness monitors with tracking capabilities, routers, and other household components.

The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SA 3856. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 3696. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Army and the Director of National Intelligence, submit to...
the congressional defense committees a report on the implications for the national security of the United States, and for stability in the region concerned, of continuing instability in each of the following:

1. Nicaragua.
2. Venezuela.
3. The report required by subsection (a) shall include the following:
   1. A description and assessment of the manner in which the political, economic, and humanitarian crisis in each of Nicaragua and Venezuela affects the national security of the United States, United States interests in the Western Hemisphere, and stability in the region concerned.
   2. A description and assessment of various policy options for the United States to mitigate any adverse effects described pursuant to paragraph (1).

4. A description and assessment of the adequacy of the posture of the Department of Defense and the Armed Forces to address continuing or worsening instability in each of Nicaragua and Venezuela.
5. A description of the financial and other support, if any, required by the United States Southern Command to address continuing or worsening instability in each of Nicaragua and Venezuela.
6. The report required by subsection (a) shall not be made available in unclassified form, but may include a classified annex.

SEC. 3857. Mr. ISAKSON (for himself, Mrs. CASSIDY, Mr. WARNER, Mr. PAUL, Mr. CORKIN, Mrs. GILLIBRAND, and Mr. KAIN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in title VIII of division A, insert the following:

(1) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate;
(2) the Committee on Armed Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 3858. Mr. CASSIDY (for himself, Mr. KING, and Mrs. HEITKAMP) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

Snc. . . . It is the sense of the Senate that—
   1. the impending cut of $71,000,000,000 to the national defense budget for fiscal year 2020 would have a disastrous impact on military readiness and would force the Department of Defense to choose between abandoning investments in weapon systems and making significant cuts to military personnel;
   2. to avert this disaster, Congress must immediately begin negotiating budget levels for national defense for fiscal years 2020 and 2021 that provide funding levels necessary to maintain technological advancements as well as current troop levels;
   3. the longer Congress waits to give budget certainty to the Department for fiscal years 2020 and 2021, the more taxpayer money will be wasted through delays on strategic decisions and critical programs; and
   4. Secretary of Defense James Mattis rightly condemned these destructive cuts when he testified before Congress—‘‘no enemy in the field has done more to harm the warfighting readiness of our military than sequestration’’.

SEC. 3862. Mr. NELSON (for himself, Mr. RUBIO, Mr. BLUMENTHAL, and Mr. DONNELLY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In title III of division B, under the heading ‘‘Safe Schools and Citizenship Education’’, strike ‘‘(Project SERV) program: and in section 8059 of title II, Project SERV’’ and insert ‘‘(Project SERV) program: and not more than $10,000,000 may be for a demonstration program to test and evaluate innovative partnerships between institutions of higher education and high-needs State or local educational agencies to train school counselors, social workers, psychologists, or other mental health professionals qualified to provide school-based mental health services, with the goal of expanding the pipeline of these workers into low-income public elementary schools and secondary schools in order to address the shortages of mental health service professionals in such schools’’.

SEC. 3863. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

None of the funds appropriated or otherwise made available by this division may be used to integrate, or facilitate the integration of, the $27.8 million for the National Integrated Air and Missile Defense System of the North Atlantic Treaty Organization (NATO).
SA 3864. Mr. PETERS (for himself, Mr. CARDER, and Ms. STAHEKEN) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

SEC. 5000A. Sense of the Senate regarding legal counsel in Texas v. United States; and

(a) FINDINGS.—Congress finds the following:

(1) Texas, Wisconsin, Alabama, Arkansas, Arizona, Florida, Georgia, Indiana, Kansas, Louisiana, Paul LePage (Governor of Maine), Mississippi (by and through Governor Phil Bryant), Missouri, Nebraska, North Dakota, South Carolina, South Dakota, Tennessee, Utah, and West Virginia have filed suit in the United States District Court for the Northern District of Texas, arguing that the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119), is unconstitutional and should be enjoined, by asserting that the Act’s requirement to maintain minimum essential coverage (commonly known as the “individual responsibility provision”) (a) of the Internal Revenue Code of 1986, is unconstitutional following the amendment of that provision by the Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Public Law 115-97) (commonly known as the “Tax Cuts and Jobs Act”).

(2) These State and individual plaintiffs also seek to strike down the entire Patient Protection and Affordable Care Act as not severable from the individual responsibility provision.

(3) On June 7, 2018, the Department of Justice refused to defend the constitutionality of the amended individual responsibility provision, despite the well-established duty of the Department to defend Federal statutes where reasonable arguments can be made in their defense.

(b) The Department of Justice not only refused to defend the amended individual responsibility provision, but it affirmatively argued that this provision is unconstitutional and should be enjoined, and that the Patient Protection and Affordable Care Act guarantees issuance of insurance coverage regardless of health status or pre-existing condition, and that any such “guaranteed issue provision” (section 2702, 2704, and 2705(a) of the Public Health Service Act (42 U.S.C. 300gg–1, 300gg–3, 300gg–4(a)), and prohibiting discriminatory premium rates (commonly known as the “community rating provision”), sections 2701 and 2706(b) of the Public Health Service Act (42 U.S.C. 300gg(a)(1), 300gg–4(b)) must now be struck down as not severable from the individual responsibility provision.

(c) A cumulative record of the funding available; and

(d) The Department of Justice not only refused to defend the constitutionality of the Act’s requirement to maintain minimum essential coverage, but it affirmatively argued that this provision is unconstitutional following the Act’s amendment of the provision to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018 (Public Law 115-97) (commonly known as the “Tax Cuts and Jobs Act”).

SEC. 5000B. Sense of the Senate.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in Texas v. United States, No. 4:18–cv–0167–O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SEC. 5000C. Sense of the Senate.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in Texas v. United States, No. 4:18–cv–0167–O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SEC. 5000D. Sense of the Senate.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in Texas v. United States, No. 4:18–cv–0167–O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SEC. 5000E. Sense of the Senate.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in Texas v. United States, No. 4:18–cv–0167–O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SEC. 5000F. Sense of the Senate.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in Texas v. United States, No. 4:18–cv–0167–O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.

SEC. 5000G. Sense of the Senate.—It is the sense of the Senate that the Senate Legal Counsel should be authorized to represent the Senate in Texas v. United States, No. 4:18–cv–0167–O (N.D. Tex.), including seeking to—

(1) intervene as a party in the matter; and

(2) defend all provisions of the Patient Protection and Affordable Care Act, the amendments made by that Act to other provisions of law, and any amendments to such provisions, including the provisions ensuring affordable health coverage for those with pre-existing conditions.
(D) scholarly experts as well as peer-reviewed disability or administrative review studies published by academic or non-profit research institutions.

(2) For purposes of paragraph (1), the term ‘‘automated committee’’ means the Committee on Ways and Means of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Finance of the Senate.

(3) For purposes of this section, the term ‘‘initial disability determination’’ means a determination made by a State Disability Determination Services office regarding whether an individual is disabled for purposes of any benefits under title II or XVI of the Social Security Act based on such individual’s status as disabled.

SA 3870. Mr. PETERS (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. ______. Not later than 180 days after the date of enactment of this Act, the Administrator of the Substance Abuse and Mental Health Services Administration shall submit to Congress a report on agency activities related to medication-assisted treatment. The report submitted by the Administrator under this section shall include a description of how the agency is taking steps to overcome barriers to medication-assisted treatment for adolescents and young adults.

SA 3871. Mr. DONNELLY (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. ______.—The Secretary of Labor shall establish an independent advisory commission on labor automation to advise the Secretary on matters relating to jobs and occupations at risk of elimination as a result of automation.

(b) Members.—The Secretary shall ensure that membership on the advisory commission established under subsection (a) includes qualified experts on labor market dynamics, economists, and experts in psychology, labor law and ethics, and experts in the fields of technological and organizational change.

(c) Annual Report.—Not less frequently than annually, the advisory commission established under subsection (a) shall submit to the Secretary and make available to the public a report describing the impact of labor automation on the economy and the labor market.

(d) Advisory Commission on Labor Automation. 

(a) Establishment.—The Secretary of Labor shall establish an independent advisory commission on labor automation to advise the Secretary on matters relating to jobs and occupations at risk of elimination as a result of automation.

(b) Membership.—The Secretary shall ensure that membership on the advisory commission established under subsection (a) includes qualified experts on labor market dynamics, economists, and experts in psychology, labor law and ethics, and experts in the fields of technological and organizational change.

(c) Annual Report.—Not less frequently than annually, the advisory commission established under subsection (a) shall submit to the Secretary and make available to the public a report describing the impact of labor automation on the economy and the labor market.

SEC. ______.—The Secretary of Labor shall establish an independent advisory commission on labor automation to advise the Secretary on matters relating to jobs and occupations at risk of elimination as a result of automation.

(a) Establishment.—The Secretary of Labor shall establish an independent advisory commission on labor automation to advise the Secretary on matters relating to jobs and occupations at risk of elimination as a result of automation.

(b) Membership.—The Secretary shall ensure that membership on the advisory commission established under subsection (a) includes qualified experts on labor market dynamics, economists, and experts in psychology, labor law and ethics, and experts in the fields of technological and organizational change.

(c) Annual Report.—Not less frequently than annually, the advisory commission established under subsection (a) shall submit to the Secretary and make available to the public a report describing the impact of labor automation on the economy and the labor market.
TITLE

SEC. 27. PRESERVING ACCESS TO AFFORDABLE GENERICS.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.), is amended by inserting after section 26 (15 U.S.C. 57c-2) the following:

"SEC. 27. PRESERVING ACCESS TO AFFORDABLE GENERICS.

"(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 41 et seq.), is amended by inserting after section 26 (15 U.S.C. 57c-2) the following:

"(b) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided in this Act to the extent that section 5 of this Act to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit, or supersede the right of an ANDA filer to assert the claims, defenses, and rights against any person, under the antitrust laws or other laws relating to unfair competition.

"(c) PENALTIES.—Each party that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to the violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any party that violates this section. In such actions, the United States shall be entitled to recover from such party the cost of the action, including reasonable attorney fees, and reasonable costs of investigation. Nothing in this section shall modify, impair, limit, or supersede the right of an ANDA filer to assert the claims, defenses, and rights against any person, under the antitrust laws or other laws relating to unfair competition.

"(d) CIVIL AND CRIMINAL.—

"(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a party in an administrative adjudicative proceeding under the authority of subsection (a), an action brought pursuant to paragraph (1) may be commenced against such party at any time before the expiration of 1 year after such order becomes final pursuant to section 5.

"(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commissioner of Food and Drugs, in an administrative proceeding, or the settlement of the claim, or the violation of the section by a party shall be conclusive unless—

"(i) the terms of such cease and desist order expressly provide that the Commission’s findings shall not be conclusive; or

"(ii) the court finds by a preponderance of the evidence, after a full and fair hearing, that the facts necessary to support the order have not been established.

"(c) IN GENERAL.—Any party that is subject to a final order of the Commission, issued in an adjudicative proceeding under the authority of subsection (a), may, within 30 days of the issuance of such order, petition for review of such order in:

"(i) the United States Court of Appeals for the District of Columbia Circuit;

"(ii) the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Commissioner of Food and Drugs; or

"(iii) the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Commissioner of Food and Drugs.

"(d) LIMITATIONS.—Nothing in this section shall prohibit the resolution of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer of the resolution or settlement includes only one or more of the following:

"(1) The right to market the ANDA product in the United States prior to the expiration of—

"(A) any patent that is the basis for the patent infringement claim; or

"(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug;

"(2) A payment for reasonable litigation expenses not to exceed $7,500,000.

"(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

"(e) ENFORCEMENT.—

"(1) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—Any party that is subject to a final order of the Commission, issued in an adjudicative proceeding under the authority of subsection (a), may, within 30 days of the issuance of such order, petition for review of such order in:

"(i) the United States Court of Appeals for the District of Columbia Circuit;

"(ii) the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined in section 801.1(a)(3) of title 16, Code of Federal Regulations, or any successor thereto, of the NDA holder is incorporated as of the date that the NDA holder is filed with the Commissioner of Food and Drugs; or

"(iii) the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Commissioner of Food and Drugs.

"(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this subsection, the court shall take into account—

"(A) the nature, circumstances, extent, and gravity of the violation;

"(B) with respect to the violator, the degree of culpability, and history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

"(C) other matters that justice requires.

"(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

"(g) Definitions.—In this section:

"(1) AGREEMENT.—The term ‘agreement’ means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

"(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term ‘agreement resolving or settling a patent infringement claim’ includes any agreement that is entered into within 30 days of the settlement of such a claim, or any other agreement that is contingent upon, provides a contingent condition for, or
is otherwise related to the resolution or settlement of the claim.


“(4) ANDA FILER.—The term ‘ANDA filer’ means a party that owns or controls an ANDA filed with the Commission and has the exclusive rights under such ANDA to market the drug.

“(5) ANDA PRODUCT.—The term ‘ANDA product’ means the product to be marketed by the ANDA filer.

“(6) DRUG PRODUCT.—The term ‘drug product’ has the meaning given such term in section 514(b) of title 21, Code of Federal Regulations (or any successor regulation).

“(7) NDA.—The term ‘NDA’ means an application for a new drug that was the subject of an approved new drug application for the same drug.

“(8) NDA HOLDER.—The term ‘NDA holder’ means—

“(A) the holder of an approved NDA application for a drug product;

“(B) a person owning or controlling enforcement of the patent listed in the Approved New Drug Application With Therapeutic Equivalence Evaluations (commonly known as the ‘FDA Orange Book’) in connection with the NDA;

“(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraph (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

“(9) PARTY.—The term ‘party’ means any person, partnership, corporation, or other legal entity.

“(10) PATENT INFRINGEMENT.—The term ‘patent infringement’ means infringement of any patent or of any filed patent application, extension, renewal, division, continued prosecution in part, reissue, patent term restoration, patents of addition, and extensions thereof.

“(11) PATENT INFRINGEMENT CLAIM.—The term ‘patent infringement claim’ means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product infringes a patent held by, or exclusively licensed to, the NDA holder of the drug product.


“(b) EFFECTIVE DATE.—Section 27 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 27(a)(1) of that Act entered into after June 17, 2013. Section 27(f) of the Federal Trade Commission Act, as added by this section, shall apply to agreements entered into before June 17, 2013 or after the date of enactment of this Act.

Sec. . . NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1122(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking the “Commission the” and inserting the following: “the Commission—

“(A) the”;

“(B) the”;

“(C) the”;

“(D) the”;

“(E) the”;

“(F) the”;

“(G) the”;

“(H) the”;

“(I) the”;

“(J) the”;

“(K) the”;

“(L) the”;

“(M) the”;

“(N) the”;

“(O) the”;

“(P) the”;

“(Q) the”;

“(R) the”;

“(S) the”;

“(T) the”;

“(U) the”;

“(V) the”;

“(W) the”;

“(X) the”;

“(Y) the”;

“(Z) the”;

“(a) striking the “Commission the” and inserting the following: “the Commission—

“(A) the”;

“(B) the”;

“(C) the”;

“(D) the”;

“(E) the”;

“(F) the”;

“(G) the”;

“(H) the”;

“(I) the”;

“(J) the”;

“(K) the”;

“(L) the”;

“(M) the”;

“(N) the”;

“(O) the”;

“(P) the”;

“(Q) the”;

“(R) the”;

“(S) the”;

“(T) the”;

“(U) the”;

“(V) the”;

“(W) the”;

“(X) the”;

“(Y) the”;

“(Z) the”;

“(b) Certification of Agreements.—Section 1112 of such Act is amended by adding at the end the following:

“(c) Certification of Agreements.—The Chief Executive Officer or the company official responsible for negotiating any agreement under subsection (a) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: ‘I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification—

‘(1) represent the complete, final, and exclusive agreement between the parties;

‘(2) include any ancillary agreements that are contemplated, provide a complete condition for, or are otherwise related to, the referenced agreement; and

‘(3) include written descriptions of any oral agreements, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.”.

Sec. . . FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.


Sec. . . COMMISSION LITIGATION AUTHORITY.

Section 18(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking “or” after the semicolon;

(2) striking the period and inserting “;” after the semicolon; and

(3) inserting after subparagraph (E) the following:

“(F) under section 27;”.

Sec. . . STATUTE OF LIMITATIONS.

The Federal Trade Commission shall commence any enforcement proceeding described in section 27 of the Federal Trade Commission Act, as added by section _ except for an action described in section 27(i)(2)(C) of the Federal Trade Commission Act, not later than 6 years after the date on which the party has been notified of the Notice of Agreement as provided by section 1112(t)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

Sec. . . SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of such provision or amendment to any person or circumstance shall not be affected.

SA 3874. Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 3895 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

Sec. . . JOB ACTION PLAN.—The Commissioner of Food and Drugs, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall develop a joint action plan, in consultation with healthcare providers and patient advocates (including relevant Federal advisory committees) that—

(1) utilizes data from Medicare claims on how much of a single-use drug was not administered, examines single-use vials sizes in other countries, and analyzes the drug approval process for alternative vial size safety and efficacy approaches, to reduce drug waste and better manage costs with respect to drug vials and other drug delivery systems, as appropriate; and

(2) includes quantifiable metrics and specific timelines.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Food and Drugs, in coordination with the Administrator of the Centers for Medicare & Medicaid Services, shall submit to the Congress a report describing the joint action plan described in subsection (a) and a report containing recommendations for any legislative action needed to reduce drug waste and better manage costs with respect to drug vials and other drug delivery systems, as appropriate.

SA 3875. Mr. CASEY (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

Sec. . . OUT OF AMOUNTS Appropriated under the heading “Administration for Community Living”, $300,000 shall be available for the Secretary to establish the Advisory Council to Support Grandparents Raising Grandchildren under section 3 of the Supporting Grandparents Raising Grandchildren Act (Public Law 112–150).

SA 3876. Mr. WARNER (for himself, Mr. YOUNG, Mr. BENNET, Mr. SASSE, Mr. HOEVEN, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 3895 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 153, strike line 7 and insert the following:

30, 2020; and

3. notwithstanding paragraphs (1) and (2), $20,000,000 shall be used to establish and carry out a Portable Benefits for Independent Workers Pilot Program, to award grants to States, local governments, and nonprofit organizations—

(1) as a means of—

(i) promoting State, local, and nonprofit experimentation; providing portable employment benefits delivery to contingent and independent workers, and
(ii) providing an opportunity for States, local governments, and nonprofit organizations to fund innovative ways to attract talent and support an entrepreneurial economy, and

(B) specifically for the purpose of—

(i) the evaluation, or improvement to the design or implementation, of existing (as of the date of enactment of this Act) or new models or approaches for providing portable benefits, or

(ii) the design, implementation, and evaluation of new models or approaches for providing such benefits.

SA 3877. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELLEY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

Sect. 8. As soon as practicable after the date of enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture and the Secretary of the Interior, shall:

(1) conduct a study to determine—

(A) whether additional wildfire firefighting capacity should be added at the Department of Defense; and

(B) the Secretary of Defense determines under subparagraph (A) that additional capacity should be added, any areas in which to add the capacity; and

(2) submit to Congress the results of the study conducted under paragraph (1).

SA 3878. Mr. CORNYN (for himself and Mr. BRUNSON) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELLEY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

Sect. 2. From amounts appropriated under this title, the Secretary of Health and Human Services, acting through the Office of Rural Health Policy of the Health Resources and Services Administration, shall make grants through the TeleHealth Resource Center Grant Program to entities that use evidence-based practices that promote school safety and individual student health, mental health and well-being by—

(1) providing assessment and referrals for health, mental health, or substance use disorder treatment to students who may be struggling with behavioral or mental health issues; and

(2) providing training and support to teachers, school counselors, administrative staff, school resource officers, and other relevant staff to identify, refer, and intervene to help students experiencing mental health needs or who are consumer hubs of themselves or others.

Telehealth mental services may be provided by “qualified mental health professionals” as defined in section 1001(12) of the Social Security Act (42 U.S.C. 1395 et seq.).

SA 3879. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELLEY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

Sect. 219. (a) Notwithstanding any other provision of law, including section 3142 of title 18, United States Code, any judicial determination (including any judicial determination made in Flores v. Sessions et. al., (9th Cir. July 5, 2017; C.D. CA. July 9, 2018; July 24, 2018) in Ms. L. et al. v. U.S. Immigration and Customs Enforcement, et al., S.D. CA. June 26, 2018, and in M.M.M. et al. v. Sessions et al., August 16, 2018; (b) any other decision or settlement agreement issued before the date of the enactment of this Act, and section 236.3 of title 8, Code of Federal Regulations (or a successor regulation), the Secretary of Defense shall not use any appropriated funds, or be required to implement the terms of the stipulated settlement agreements, or any settlement agreements, or the Flores settlement agreement, in the Central District of California in Flores v. Reno, CV 85–4544–RJK, (commonly known as the ‘Flores settlement agreement,’ in the case of an alien child who is housed at a military facility or installation pursuant to an agreement executed between the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Defense and who is or was—

(1) under the age of 18;

(2) accompanied by a parent; and

(3)(A) apprehended at or near the international border of the United States; or

(B) seeking admission or sought admission to the United States at a port of entry.

(b) The Secretary of Defense shall not use any appropriated funds to release any alien who is currently detained at a military facility or installation pursuant to an agreement executed between the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Defense and who is or was—

(1) is inadmissible or ineligible under section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2));

(2) is deportable under subsection (a) or (b) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) (other than section 237(a)(1)(A) or (B));

(3) has engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(i) or (ii));

(4) is convicted for an offense under section 8 U.S.C. 1182(a)(3)(B)(i) or (ii));

(5) is convicted of, or found to be a juvenile offender based on an offense that involved a sexual assault (as defined in section 2265(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii))); or

(6) has been convicted of, or found to be a juvenile offender, based on an offense that involved a sex offense (as defined in section 20911 of title 18, United States Code);

(7) has been convicted of, or found to be a juvenile offender, based on an offense that involved a sex offense (as defined in section 20911 of title 18, United States Code);

(8) has been convicted of, or found to be a juvenile offender, based on an offense that involved a sex offense (as defined in section 20911 of title 18, United States Code);

(9) has been convicted of, or found to be a juvenile offender based on a crime of violence or an offense under Federal, State, or Tribal law, that has, as an element, the use or attempted use of physical force or the threatened use of physical force or a deadly weapon;

(10) has engaged in, is engaged in, or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(i) or (ii));

(11) has been convicted of any drug trafficking crime (within the meaning of the Controlled Substances Act (21 U.S.C. 801 et seq.)) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

(12) is convicted for any felony with a maximum term of imprisonment of more than 180 days; or

(13) is inadmissible under subparagraph (A) or (B) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), or deportable under subparagraph (A) or (B) of section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)).

SA 3880. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELLEY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sect. . (a) None of the funds made available by this Act or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that has any unpaid Federal tax liability that has been assessed, at which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such tax liability, provided that the applicable Federal agency is aware of the unpaid Federal tax liabilities. 

(b) Subsection (a) shall not apply if the applicable Federal agency has considered suspension or debarment of the corporation described in such subsection made a determination that such suspension or debarment is not necessary to protect the interests of the Federal Government.
SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

SEC. 1. (a) From funds appropriated under this title, not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on the implementation of the Consolidated Appropriations Act, 2019, to reduce improper payments published by the Department of Labor in the fiscal year 2017 Agency Financial Report.

(b) The report submitted under subsection (a) shall identify barriers to the reduction of improper payments that may require Congressional action to address.

SA 3882. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. 2. (a) Of the amounts appropriated or otherwise made available under title I under the heading "VETERANS EMPLOYMENT AND TRAINING", $2,000,000 shall be available to carry out a pilot program for preparing members of the Armed Forces transitioning to civilian life to qualify for, and for assisting in placing them in, apprenticeship programs.

(b) Amounts made available under subsection (a) shall supplement and not supplant amounts appropriated or otherwise made available under this division for programs and activities relating to the Transition Assistance Program.

SA 3883. Mr. WICKER (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

On page 150, line 22, strike "WIOA:" and insert the following: "WIOA: Provided further. That for purposes of any funds provided for technical assistance under section 188(b) of title II of WIOA, all funds shall be given to States and areas that contain population census tracts that have been designated as qualified opportunity zones under section 1400Z-2 of the Internal Revenue Code of 1986, or to entities that predominately serve population census tracts that have been designated as qualified opportunity zones under such section:"

SA 3885. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 1. It is the sense of Congress that the Army Research Laboratory should continue to focus on research to develop, test, and transition advanced materials development, with a focus on:

(1) the impact of ballistics on the human body;

(2) the development of new technologies for soldier protection and vehicle resilience.

SA 3886. Mr. GRASSLEY (for himself, Ms. KLOBUCAR, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION C—RURAL EMERGENCY ACUTE CARE HOSPITAL ACT

SECTION 01. SHORT TITLE.

This division may be cited as the "Rural Emergency Acute Care Hospital Act".

SEC. 02. FINDINGS.

Congress finds the following:

(1) According to the University of North Carolina’s Center for Health Services Research, 55 rural emergency hospitals based in the United States since January 2010.

(2) In 2014, iVantage conducted a study for the National Rural Health Association and found 283 hospitals at risk of closure based upon performance indicators that matched those facilities already forced to close in this decade.

(3) Researchers at the University of North Carolina identified inpatient volume as a substantial contributing factor to the financial performance of rural hospitals, with many of the at-risk hospitals having an average daily bed census of less than two.

(4) Adverse impacts to the local economy and the loss of timely access to emergency medical care are 2 major effects of rural hospital closures.

(5) According to the National Center for Rural Health Works, the typical rural hospital creates over 140 jobs and generates $6,800,000 in compensation while serving an average population of 14,600.

(6) The 2014 iVantage study estimates that the 283 at-risk hospitals could result in the loss of 36,000 health care jobs, 50,000 community jobs, and $10,600,000,000 in gross domestic product.

(7) Time is the most critical factor for achieving successful outcomes in emergency medicine, and emergency medical clinicians refer to the time-sensitive period during which successful outcomes may be best achieved as the "golden hour:"

(8) The National Conference of State Legislatures states that 60 percent of trauma deaths in the United States occur in rural areas, where only 15 percent of the population is represented.

(9) The disproportionate percentage of trauma deaths in rural areas is likely attributable in large part to a combination of response time to the scene and distance to the nearest emergency room to stabilize trauma victims.

(10) The percentage of trauma deaths occurring in rural areas could continue to increase due to more rural hospitals further limiting access to emergency services and requiring patients to travel longer distances to receive emergency medical care.

(11) The creation of a rural emergency hospital designation under the Medicare program will allow facilities in rural areas to provide emergency medical services without having to maintain inpatient beds.

(12) In addition to providing emergency care, rural emergency hospitals could convert the space previously used for inpatient services to provide other critical services including, but not limited to, observation care, skilled nursing facility care, infusion services, hemodialysis, home health, hospice, nursing home care, population health, and telemedicine services.

SEC. 03. RURAL EMERGENCY HOSPITAL PROGRAM.

(a) IN GENERAL—

(1) RURAL EMERGENCY HOSPITAL AND SERVICES DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(i) in subsection (e), in the last sentence of the matter following paragraph (9), by inserting "or a rural emergency hospital (as defined in section 1861(jj)(1))" before the period at the end; and

(ii) by adding at the end the following subsection:

"(7) Time is the most critical factor for achieving successful outcomes in emergency medicine, and emergency medical clinicians refer to the time-sensitive period during which successful outcomes may be best achieved as the "golden hour:"

(8) The National Conference of State Legislatures states that 60 percent of trauma deaths in the United States occur in rural areas, where only 15 percent of the population is represented.

(9) The disproportionate percentage of trauma deaths in rural areas is likely attributable in large part to a combination of response time to the scene and distance to the nearest emergency room to stabilize trauma victims.

(10) The percentage of trauma deaths occurring in rural areas could continue to increase due to more rural hospitals further limiting access to emergency services and requiring patients to travel longer distances to receive emergency medical care.

(11) The creation of a rural emergency hospital designation under the Medicare program will allow facilities in rural areas to provide emergency medical services without having to maintain inpatient beds.

(12) In addition to providing emergency care, rural emergency hospitals could convert the space previously used for inpatient services to provide other critical services including, but not limited to, observation care, skilled nursing facility care, infusion services, hemodialysis, home health, hospice, nursing home care, population health, and telemedicine services.

"Rural Emergency Hospital; Rural Emergency Hospital Outpatient Services"—

"(jjj)(1) The term 'rural emergency hospital' means a facility that—

(A)(i) as of December 31, 2016—

(II) was a critical access hospital; or

(II) was a hospital with more than 50 beds located in a county (or equivalent unit of local government) in a rural area (as defined in) a hospital with more than 50 beds that was treated as being located in a rural area pursuant to section 1886(d)(8)(E); or

(II) is a critical access hospital described in clause (i)(1) or a hospital described in clause (i)(II) that ceased operations during the period beginning on the date that is 5 years prior to the date of the enactment of this division and ending on December 30, 2016;

(B) provides 24-hour emergency medical care and observation care that does not exceed an annual per patient average of 24 hours or more than 1 midnight;

(C) does not provide any acute care inpatient beds and has protocols in place for the timely transfer of patients who require acute care inpatient services or other inpatient services;

(D) has elected to be designated as a rural emergency hospital;

(E) has received approval to operate as a rural emergency hospital from the State under section 1884(v)(1)(A)(i) and (ii)

(F) is certified by the Secretary under section 1884(v)(3)(B).

(2) The term 'rural emergency hospital outpatient services' means services, including, but not limited to, observation care, skilled nursing facility care, infusion services, hemodialysis, home health, hospice, nursing home care, and other health services furnished by a rural emergency hospital on an outpatient basis.
“(3) Nothing in this subsection or section 1834(v)(3) shall be construed to prohibit a rural emergency hospital from providing extended care services.”.

(2) PAYMENT RULES RELATING TO RURAL EMERGENCY HOSPITAL SERVICES.—

(A) IN GENERAL.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395a(a) is amended—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9), by striking the period at the end and inserting “; and”;

(iii) by inserting after paragraph (9) the following new paragraph:

“(10) in the case of a rural emergency hospital, the amount of payment for services provided by a rural emergency hospital outpatient services of a rural emergency hospital is equal to 110 percent of the reasonable costs of providing such services.

(B) TELEHEALTH SERVICES.—For purposes of this paragraph, in determining the reasonable costs of providing rural emergency hospital outpatient services, costs associated with having a backup physician available via a telecommunications system shall be considered reasonable costs.

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

“(F) OPTION TO WAIVE DISTANCE REQUIREMENT.—The amount of payment for rural emergency hospital services provided by a rural emergency hospital or provider of ambulance services to transport patients who require acute care inpatient services or other inpatient services from such rural emergency hospital to a hospital or critical access hospital, the amounts described in section 1834(v)(3)

(B) PAYMENT AMOUNT.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new clause:

“(ii) in paragraph (9), by striking the period at the end and inserting “; and”;

(ii) by adding at the end the following new subparagraphs:

“(H) IN GENERAL.—The amount of payment for services provided by a rural emergency hospital or provider of ambulance services to transport patients who require acute care inpatient services or other inpatient services from such rural emergency hospital to a hospital or critical access hospital, the amounts described in section 1834(v)(3) shall be construed to prohibit a rural emergency hospital to a hospital emergency services and services provided by a rural emergency hospital or other provider of ambulance services to transport patients who require acute care inpatient services or other inpatient services from such rural emergency hospital to a hospital or critical access hospital, the amounts described in section 1834(v)(3).”.

(3) REQUIREMENTS FOR RURAL EMERGENCY HOSPITALS.—

(A) PROFESSIONALS.—Section 1886(a)(3) of the Social Security Act (42 U.S.C. 1395w(d)(2)(A)) is amended in section 1861(jjj) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(B) DIRECT MEDICAL EDUCATION.—Section 1886(h)(4)(E) of the Social Security Act (42 U.S.C. 1395h(4)(E) is amended—

(1) by inserting after clause (ii) the following new clause:

“(ii) effective for cost reporting periods beginning on or after July 1, 2017, all of the time spent by interns and residents in emergency medicine that is included in determining the number of full-time equivalent interns and residents in such specialty if the hospital with such program in the area where the hospital provides emergency services bears all, or substantially all, of the costs of the shortage benefits of the interns or residents during the time the interns or residents spend in that rural hospital in accordance with this subsection.

(2) by inserting the following new sentence:

“For purposes of this subparagraph, the emergency department of a rural hospital described in clause (ii) is a nonproviding setting.”.

SA 3887. Mr. C U Z submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. S H E L L E Y to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the matter under the heading “School Improvement Programs” in title III of division B, insert “Provided further. That funds made available under this heading for and allotted to States under part 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 shall be used to improve school conditions for student learning, by enabling local educational agencies to use
SA 3888. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division B, insert the following:

SEC. ... (a) Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of the House of Representatives, a report that provides details on contamination events, hospital, and health systems of evidence-based practices to reduce maternal mortality and severe maternal morbidity, such as the Alliance for Innovation on Maternal Health.

(b) The report under this section shall include—

(1) a list of States, hospitals, and health systems that participate in the Alliance for Innovation on Maternal Health or a similar evidence-based program, and to the extent possible, the maternal health outcomes such evidence-based programs are intended to address;

(2) what is known about States, hospitals, and health systems that participate in the Alliance for Innovation on Maternal Health or a similar evidence-based program, including the rates of maternal mortality and severe maternal morbidity and any improvements with respect to such rates, or other improvements in maternal and infant health outcomes; and

(3) barriers to implementation of evidence-based programs, including the Alliance for Innovation on Maternal Health and recommendations for further implementation.

SA 3889. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. McCONNELL (for Mr. SHELBY) to the amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert "$8,503,001".

SA 3890. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

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

SA 3891. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike "1 day" and insert "2 days".

SA 3892. Mr. MURPHY (for himself and Mr. POETZMAN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. ... (a) From amounts appropriated under this title, up to $1,000,000 shall be used for awarding grants for the purchase and implementation of telehealth services, including pilots and demonstrations for the use of telehealth services, including the use of equipment that is useful for caring for pregnant women and infants, as specified in section 385 of title 10, United States Code, $40,000,000 for the Department of Defense to coordinate obstetric care for pregnant women and infants, and the Department of State to coordinate telehealth services for women and infants, to reduce the time needed to disseminate information to parents regarding their children during and immediately following a crisis.

(b) The report under this section shall include—

(1) controlling access to school premises, which may include—

(A) any factor that reduces the time needed to deliver critical services, or facilities, to children and other measures, that strengthen security on school premises, the amount made available for such program in fiscal year 2018.

SA 3894. Ms. HEITKAMP (for herself, Ms. MURKOWSKI, and Mr. UDALL) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. ... (a) From amounts appropriated under this title, up to $1,000,000 shall be used for awarding grants for the purchase and implementation of telehealth services, including pilots and demonstrations for the use of telehealth services, including the use of equipment that is useful for caring for pregnant women and infants, as specified in section 385 of title 10, United States Code, $40,000,000 for the Department of Defense to coordinate obstetric care for pregnant women and infants, and the Department of State to coordinate telehealth services for women and infants, to reduce the time needed to disseminate information to parents regarding their children during and immediately following a crisis.

(b) The report under this section shall include—

(1) controlling access to school premises, which may include—

(A) any factor that reduces the time needed to deliver critical services, or facilities, to children and other measures, that strengthen security on school premises, the amount made available for such program in fiscal year 2018.

SA 3895. Mr. BROWN submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. ... (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement for the Department of Defense a mechanism to track and monitor information regarding the indebtedness to the United States arising out of service in the Armed Forces.

(b) The mechanism required by subsection (a) shall do the following:

(1) Identify each individual who has a current indebtedness to the United States arising out of the individual’s service in the Armed Forces.

(2) Identify the current age and amount of indebtedness to the United States arising out of service in the Armed Forces for each individual identified pursuant to paragraph (1).

(3) For each debt of an individual identified pursuant to paragraph (2), specify the following:

(A) Whether such debt is the result of a delay in Department of Defense processing changes to beneficiary status or another action of the Department.

(B) Whether such debt is currently disputed by such individual.

(C) The amount and type of any fees or interest charges that have been applied to such debt, including any amounts charged for processing or handling the collection of such debt.

(D) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the development and implementation of the mechanism required by subsection (a).
SA 3896. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "Provided. That sums allocated under the 'CDC Injury Prevention and Control' for Pediatric Brain Injury include continuation of the creation of a National Concussion Surveillance System.'".

SA 3897. Mr. SCHATZ (for himself and Ms. HIROYO) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B insert the following:

Sec. 2. Using amounts made available under this title, the Assistant Secretary for Mental Health and Substance Use shall provide technical assistance to any State or community impacted by a volcanic eruption or earthquake declared by the President in calendar year 2018 in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Such technical assistance shall be—

(1) to conduct a needs assessment for supporting the mental health of the impacted children, families, and communities;

(2) to develop mental health crisis recovery plans for the impacted children and families.

SA 3898. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A insert the following:

Sec. 801. (2) To conduct a needs assessment for supporting the mental health of the impacted children, families, and communities; and

(2) to develop mental health crisis recovery plans for the impacted children and families.

SA 3899. Ms. HIROYO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A insert the following:

Sec. 801. Provided. That the amounts appropriated or otherwise made available by this division may be used to establish a United States Space Force as one of the United States Armed Forces or to establish the Space Development Agency: Provided, That this section shall not be construed to limit the use of funds for the establishment of a combatant command pertaining to space operations.

SA 3899. Ms. HIROYO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division A, insert before the period at the end of section 2914 of title 10, United States Code: Provided further, That the Under Secretary of Defense (Comptroller), under the direction of the Secretary of Defense, shall submit to the congressional defense committees a report on its progress to establish the necessary budgetary accounts described in the preceding proviso.

SA 3900. Ms. HIROYO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

Sec. 2. Provided. That paragraphs (2) of section 2914(b) of title 10, United States Code, is amended to read as follows:

"(2) credited to an appropriation designated by the Secretary of Defense, merged with the appropriation to which credited, and available for any emergency or energy resilience projects.".

SA 3901. Ms. HIROYO submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in section 8011 of title VIII of division A, strike the period at the end and insert the following: 'Provided further, That the Secretary of the Air Force shall allocate the funds appropriated to the Air Force for operation and maintenance, the Secretary of the Air Force shall allocate an amount the Secretary determines appropriate to the maintenance of the Eagle Vision system that provides the Air Force a critical humanitarian assistance and disaster relief capability; Provided further, That the Secretary of the Air Force is also directed to submit to the congressional defense committees a report on the progress of the Secretary in allocating such funding not later than March 1, 2019.'

SA 3902. Mr. UDALL (for himself and Mr. HENNINGS) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

Sec. 2. Provided further. That in addition to any other reporting requirements applicable to the Office of Refugee Resettlement of the Department of Health and Human Services as specified in Senate Report 115-289 (115th Congress), the Secretary of Health and Human Services shall, on a weekly basis, update information available to the public on the Internet with respect to the Department with respect to the following:

(1) The total number of children referred to the Department, including the total number for whom the Department was not able to arrange adoption, in the case of children who were apprehended as part of a family unit.

(2) The number of such children currently in the care of the Department.

(3) The number of such children released to sponsors.

(4) The number of preteen children in shelters and foster care programs operated by the Office.

SA 3903. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

Sec. 801. Provided. That not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report estimating the portion of the Department of Defense's advertising budget that is spent on advertising and public relations contracts with socially and economically disadvantaged small businesses and women, low-income veterans (as that term is defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and minority entrepreneurs and business owners at the prime and subcontracting levels.

SA 3904. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHEELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

Sec. 801. Provided. Of the amounts appropriated or otherwise made available by title II of this Act under the heading "Operation and Maintenance, Defense-Wide", up to $250,000 may be available to the Secretary of Defense for the creation of a service medal to honor and be awarded to retired and former members of the Armed Forces who were exposed to radiation during service in the Armed Forces in such circumstances as to be eligibles for treatment as radiation-exposed veterans for purposes of section 112(c) of title 38, United States Code.

SA 3905. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. 801. Provided. That of the amounts appropriated or otherwise made available by title II of this Act under the heading "Operation and Maintenance, Defense-Wide" the total number of children who were apprehended as part of a family unit.
the TRICARE Pharmacy Benefits Program by reason of the amendment made by section 702(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1433) with respect to any covered beneficiary who resides more than 40 miles from the nearest military medical treatment facility.

SA 3909. Mr. PETERS (for himself and Ms. STabenow) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sect. 3. Amounts appropriated or otherwise made available by this Act may not be used to implement or carry out any increase in cost-sharing requirements under the TRICARE Pharmacy Benefits Program by reason of the amendment made by section 702(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1433) with respect to any covered beneficiary who resides more than 40 miles from the nearest military medical treatment facility.

SA 3908. Ms. CANTWELL (for herself and Mr. CASSIDY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III of division B, insert the following:

Sect. 4. The amount appropriated by title III of this division under the heading ‘‘Aircraft Procurement, Air Force’’ is hereby increased by $65,000,000, with the amount of the increase to be available for the A-10 Wing Replacement Program.

SA 3910. Mr. SHELBY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

In section 8010 of division A, in the matter immediately preceding the sixth proviso, insert after paragraph (5) the following:

(6) SSN Virginia Class Submarines and Government-furnished equipment.

SA 3911. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

Sect. 1. The amount appropriated by title II of this division under the heading ‘‘Operation and Maintenance, Defense-Wide’’ is hereby increased by $2,000,000, with the amount of the increase to be available for Civil Military Programs for the National Guard Youth Challenge Program (in addition to any other amounts available in this division for that Program).

SA 3912. Mr. HELLER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

Sect. 1. (a) There are appropriated under the heading ‘‘Birth Defects, Developmental Disabilities, Disabilities and Health’’ under the heading ‘‘Centers for Disease Control and Prevention’’ under the heading ‘‘Centers for Disease Control and Prevention’’ the amount made available under this heading and in order to provide additional funding for activities related to neonatal abstinence syndrome, and the amount made available under this heading and in order to provide additional funding for activities related to neonatal abstinence syndrome shall be equal to the amount made available under this heading and in order to provide additional funding for activities related to neonatal abstinence syndrome.

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading ‘‘Center for Disease Control and Prevention’’ under the heading ‘‘Centers for Disease Control and Prevention’’ is hereby reduced by $2,000,000.

SA 3913. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

Sect. 1. Notwithstanding any other provision of this Act, no funds made available under this Act may be used to mandate that, or implement a requirement that, a State annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students, who are enrolled in public schools on the assessments described in section 1111(b)(2)(B)(v)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(v)(I)).

SA 3914. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

Sect. 1. None of the funds made available by this Act may be used to conduct or support research using human fetal tissue if such tissue is obtained pursuant to an induced abortion.

SA 3915. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division B, insert the following:

Sect. 1. Notwithstanding any other provision of this Act, the amount made available under this Act for making payments under the Head Start Act shall be equal to the amount made available for making such payments for the fiscal year ending September 30, 2018, plus funds made available for a study to determine the possibility of carrying out the activities of

These grants are opportunities for rural America to learn to read and write code to prepare students for the jobs of the future.
the Head Start Act through a program providing block grants to States.

SA 3916. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3959 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. The Secretary of Education shall carry out a pilot program that authorizes States to establish an alternative accreditation system for the purpose of establishing institutions that provide postsecondary education and postsecondary education courses or programs as eligible for funding under title IV of the Higher Education Act of 1965 if the State enters into an agreement with the Secretary for the establishment of the alternative accreditation system.

SA 3917. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3959 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. 2. (a) There are appropriated under the heading "Public Health Service Act, is hereby reduced by $5,000,000.

(c) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services Administration" shall be carried over into the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

REPORT ON RACIAL DISPARITIES IN PREGNANCY-RELATED MORTALITY RATES

SEC. 2. Not later than 120 days after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention shall submit to Congress a report on racial disparities in pregnancy-related mortality rates, which shall include the following:

(1) identify the causes of racial disparities in pregnancy-related mortality rates in the United States, and why such rates are higher among certain groups, such as Hispanic women, African American women, Asian American women, American Indian women, and Alaskan Native women; and

(2) make recommendations for reducing—

(A) racial disparities in pregnancy-related mortality rates in the United States; and

(B) the overall pregnancy-related mortality rate in the United States.

SA 3920. Mr. MURPHY (for himself, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 2. (a) There are appropriated under the heading "Substance Abuse and Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding to carry out section 520E of the Public Health Service Act, $1,573,000.

(b) There are appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services", in addition to any other amounts made available under such heading and in order to provide additional funding to carry out section 520E-2 of the Public Health Service Act, $512,000.

SA 3921. Mr. MURPHY (for himself, Mr. MANCHIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. 2. (a) There are appropriated under the heading "Public Health Service Act, is hereby reduced by $5,000,000.

(c) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services Administration" shall be carried over into the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SA 3922. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3959 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 823, insert before the period the following: "Provided further, That the Secretary of Defense may waive a limitation in this subsection on the number of staff years for defense FFRDCs that may be funded under such heading to the extent that the Secretary certifies in writing to the congressional defense committees that the waiver is in the national interests of the United States.

SA 3923. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 202, line 12, strike the period and insert: "Provided: That such amount made available for an evidence-based opioid drug overdose prevention program, $10,000,000 shall be for activities that reduce overprescribing in rural areas and on Indian land.

SA 3924. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 17, insert: "herein referred to as ‘treatment’.

SA 3925. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 216, line 5, insert: "of which 10 percent shall be reserved for grants to behavioral health clinics in States that have the highest rates of poverty and unemployment" after "Public Law 113–93."

SA 3926. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 3959 proposed by Mr. SHELBY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VIII of division A, insert the following:

SEC. 2. (a) There are appropriated under the heading "Public Health Service Act, is hereby reduced by $5,000,000.

(c) Notwithstanding any other provision of this Act, the total amount appropriated under the heading "Mental Health" under the heading "Substance Abuse and Mental Health Services Administration" shall be carried over into the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 823, insert before the period the following: "Provided further, That the Secretary of Defense may waive a limitation in this subsection on the number of staff years for defense FFRDCs that may be funded under such heading to the extent that the Secretary certifies in writing to the congressional defense committees that the waiver is in the national interests of the United States.

SA 3927. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 17, insert: "herein referred to as ‘treatment’.

SA 3928. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 17, insert: "herein referred to as ‘treatment’.

SA 3929. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 17, insert: "herein referred to as ‘treatment’.

SA 3930. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, line 17, insert: "herein referred to as ‘treatment’.

SA 3931. Mr. HEINRICH submitted an amendment intended to be proposed by him to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:
SA 3927. Mr. ISAKSON (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3695 proposed by Mr. SHELDY to the bill H.R. 6157, making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division B, insert the following:

SEC. (a) There are appropriated under the heading “Public Health Scientific Services” under the heading “Centers for Disease Control and Prevention”, in addition to any other amounts made available under such heading, $5,000,000 to be available for the establishment of the National Neurological Conditions Surveillance System as authorized in 21st Century Cures Act (Public Law 114-255).

(b) Notwithstanding any other provision of this Act, the total amount appropriated under the heading “Substance Abuse and Mental Health Services Administration” is hereby reduced by $5,000,000

 NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator Chuck GRASSLEY, intend to object to proceeding to S. 3278, to amend the Internal Revenue Code of 1986 to provide additional Protections to taxpayers, dated August 21, 2018.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BLUNT. Mr. President, I have 8 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 9:30 a.m., to conduct a hearing on the following nominations: Alan Ray Shaffer, of Virginia, to be Deputy Under Secretary for Acquisition and Sustainment, Veronica Daigle, of Virginia, and Robert H. McMahon, of Georgia, both to be an Assistant Secretary, and Cory J. Ardynski, of Alabama, and Alex A. Beehler, of Maryland, both to be an Assistant Secretary of the Army, all of the Department of Defense.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 10 a.m., to conduct a hearing entitled “Russia Sanctions, current effectiveness and potential for next steps.”

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 10 a.m., to conduct a hearing entitled “U.S.-Russia Relations”.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 2:30 p.m., to conduct a hearing entitled “Financial Literacy: the Starting Point for a Secure Retirement.”

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 10 a.m., to conduct a hearing entitled “Examining CMS’s Efforts to Fight Medicaid fraud and overpayments”.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, August 16, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON CRIME AND TERRORISM

The Subcommittee on Antiterrorism, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, August 21, 2018, at 2:30 p.m., to conduct a hearing entitled “Cyber Threats to our Nation’s Critical infrastructure.”

PRIVILEGES OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that my defense fellow, John-Paul Mantone, be granted floor privileges for the length of the current debate on the appropriations bills that are before us.

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

ORDERS FOR WEDNESDAY, AUGUST 22, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, August 22; 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; that following leader remarks, the Senate resume consideration of H.R. 6157; further, that the Senate recess from 3:30 p.m. to 4:30 p.m.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. 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 6:40 p.m., adjourned until Wednesday, August 22, 2018, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MICHAEL J. FITZPATRICK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

JEFFREY ROSS GUNDER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BAHAMAS.

RICHARD CARLTON PASCHALL III, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

JEFF WILLIAMS STROMAYER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLOSK REPUBLIC.

DEPARTMENT OF JUSTICE

WING CHEU, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS; VICE JAMIE A. HAJDOWITZ, TERM EXPIRED.

RABINNA L. DOMAN, OF MINNESOTA, TO BE UNITED STATES MIRAM MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS; VICE SHARON J. NELSON, TERM EXPIRED.

ERIC S. GARTNER, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS; VICE DAVID BLEHWE, TERM EXPIRED.

JOHN C. MULHERN, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS; VICE JAMES A. LEWIS, REMOVED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE HAVE BEEN PROPOSED FOR CONSIDERATION WHILE ASSIGNED TO A POSITION OF IMPORTANCE IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:
To be lieutenant general
MAJ. GEN. THOMAS J. SHARPY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general
COL. KATHLEEN M. FLARITY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general
COL. DAVID A. HARRIS, JR.
IN THE MARINE CORPS
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
LT. GEN. KENNETH F. MCKENZIE, JR.
IN THE ARMY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12296:

To be colonel
TIMOTHY D. VINCENT
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE UNDER TITLE 10, U.S.C., SECTION 12296:

To be colonel
MARK J. STANALAJCZO

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/2009 and the nomination was placed on the Executive Calendar:

*TERI L. DONALDSON, OF TEXAS, TO BE INSPECTOR GENERAL OF THE DEPARTMENT OF ENERGY.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.