The Senate met at 12 noon and was called to order by the Honorable DEB FISCHER, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

O God, the Father of light, today give our Senators the light to guide them, the courage to sustain them, and the civility to unite them. Give our lawmakers humility in prosperity and patience in adversity. Provide them with a quiet awareness of Your presence, sustaining them with Your great power.

Lord, make us all grateful for the blessings You shower upon us each day. Increase our faith until we experience Your blessings.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 6, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEB FISCHER, a Senator from the State of Nebraska, to perform the duties of the Chair.

Orrin G. Hatch,
President pro tempore.

Mrs. FISCHER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Madam President, day 2 of Brett Kavanaugh’s confirmation hearings proved to be a marathon session. For 13 hours, Judge Kavanaugh was grilled by our colleagues on the Judiciary Committee. Through that testing, the Senate got to see exactly why the American Bar Association deemed this nominee to be unanimously “well qualified,” which is the highest possible rating, a distinction that many of our Democratic colleagues in the past called the gold standard.

We saw precisely why he has earned such praise from accomplished legal figures, like Lisa Blatt, a self-described liberal and a leading Supreme Court litigator who proudly introduced Judge Kavanaugh before the committee; and Neal Katyal, the Obama administration’s Solicitor General who said: “It’s very hard for anyone who’s worked with Judge Kavanaugh, appeared before him, to frankly say a bad word about him.”

Judge Kavanaugh was patient and professional. His answers showed total command of everything, from the fine details of case law to the principles upon which our Founders built the Constitution.

In July, one of Judge Kavanaugh’s former Yale Law School professors explained that he is “an avid consumer of legal scholarship. He reads and learns.” It certainly shows. Judge Kavanaugh’s widely acclaimed temperament was on full display. He gave thoughtful, expansive answers, while also respecting the independence of the judiciary. Even as some of our Democratic colleagues seemed to forget—seemed to forget—that we are examining a potential Supreme Court Justice and not interviewing a super legislator who will be writing his own policy preferences into law, Judge Kavanaugh remained very gracious and spoke at length about his past jurisprudence and his understanding of the role judges play in our Republic.

It was striking to contrast Judge Kavanaugh’s poise, on the one hand, and professionalism with the continued unhinged—literally, unhinged—antics of the far left, which once again resorted to yelling and screaming and interrupting the hearing with nonsensical protests. The Capitol Police deserves all of our gratitude for keeping order, as does Chairman GRASSLEY for keeping the proceedings moving smoothly.

Perhaps it is finally dawning on the far left that Judge Kavanaugh is an impressive, mainstream, and brilliant nominee who almost any objective observer would agree is more than qualified to serve on the Supreme Court. Maybe that is why they are resorting to futile attempts to disrupt the proceedings. Maybe that is why no fewer than 66 individuals were removed from the hearing room for interruptions.

I will be perfectly clear about this. Hysterical stunts are not going to stop the U.S. Senate from completing its business. There is no heckler’s veto here. I look forward to more excellent testimony from Judge Kavanaugh today.
Mr. MCCONNELL. Madam President, I want to say a few words about a loyal and valuable public servant as he reaches a remarkable milestone. Over the past 50 years, Members of Congress have come and gone, but all the while, Dr. Walter Oleszek has been on hand at the Library of Congress to answer Members’ and staff’s toughest questions about the inner workings of American government.

Walter arrived in Washington in the summer of 1968, from Upstate New York. He signed on with the Legislative Reference Service, now the Congressional Research Service, and has been serving ever since.

Over five decades, Walter has grown into an institution unto himself. He is not only the longest serving CRS team member but also a dedicated and integral part of its operations, while also finding time to teach and lecture on the side.

Alan Frumin, the former Senate Parliamentarian, was actually one of Walter’s students at Colgate University years ago. According to Alan, “If there’s anything about Congress that Walter does not know, then that thing doesn’t exist.” In my experience around here, the Parliamentarian is usually the smartest one in the room. So that is especially high praise, and Walter has earned it.

Today, on behalf of the Senate, I want to thank this scholar, author, internationally sought adviser, and dedicated steward of the U.S. Congress. We congratulate him on his career thus far and look forward to continuing to work alongside him.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, pursuant to the order of August 28, at 1:45 p.m. today, the Senate will proceed to executive session to consider Calendar Nos. 693, 731, 778, 779, 782, 838, 839, and 893, as under the previous order. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Madam President, today the Senate Judiciary Committee continues its hearings on Judge Brett Kavanaugh’s nomination to the Supreme Court. During yesterday’s session, the American people got to see a nominee who refused to answer even the most basic, fundamental questions about his jurisprudence. They got to see a cover-up of Judge Kavanaugh’s records by himself and Republican members of the committee.

When Judge Kavanaugh was asked specific questions about important issues that might someday come before a court, like women’s reproductive freedom for our independence and refused to answer. When Democratic Senators asked him hypothetical questions, instead, to avoid the possibility of the judge tipping his hand on a future case, then he said he wouldn’t engage in hypotheticals—can’t talk about specific cases, can’t talk about general situations. He is ducking. He is hiding.

Judge Kavanaugh was asked how he might view the constitutionality of a Presidential subpoena arising from the Mueller probe. He said he could not tip his hand about a potential issue before the Court. Asked, then, about the constitutionality of a Presidential subpoena in general, he said he would not engage in a hypothetical. This is not a hypothetical issue: this is a fundamental constitutional issue.

There is no legal, ethical, or judicial reason for Judge Kavanaugh to avoid directly answering these questions unless he has something to hide. If the nominee can’t answer questions about already decided cases, pending cases, or hypothetical cases, honestly, what is there left to talk about—charity work and basketball? Your favorite Federalist Paper? How does the nominee expect the Senate and the public to evaluate him? He doesn’t. He doesn’t want it. His lifelong record as a hard-right warrior, if he talked about it and talked about his views, would rule him out, so he hides. That should not happen when it comes to nominating one of the most powerful positions in American society.

Let me just mention a few topics Judge Kavanaugh ducked.

Judge Kavanaugh would not expand or even revisit his views on Presidential power, where he already enumerated some in a Minnesota Law Review article. As Senator KLOBUCHAR pointed out, he has already talked about them publicly. Why can’t he elaborate? He has given his view on that one. Very bad view. Does he still hold it? Nobody knows.

Judge Kavanaugh could not assure the American people he would uphold the healthcare law, including protections for up to 130 million Americans with preexisting conditions, protections that are under threat right now by a lawsuit in Texas.

He could not assure the American people he would uphold the landmark decision in Roe v. Wade. He did repeat a view, which he reportedly shared with Senator COLLINS, that Roe v. Wade was settled precedent of the Court, but as Judge Kavanaugh himself points out in a 2008 email made public this morning, “I am not sure that all legal scholars refer to Roe as the settled law of the land at the Supreme Court level since [the] Court can always overrule its precedent, and three current Justices on the Court would do that.” That is an email from Brett Kavanaugh explaining that Roe vs. Wade is only settled law until a majority of the Court decides it isn’t.

Since the time he wrote that email, moreover Justice has joined the Court likely to overturn Judge Kavanaugh could be the deciding vote, and he will not even talk about it. That is an issue that affects all Americans. It is an issue that is so important to our jurisprudence. It is an absolute duty that a nominee to the Supreme Court refrains from talking about such a fundamental issue at the core of one of the great debates of American society and hides behind legal subterfuge, chicanery, so he doesn’t have to speak—verbal chicanery.

I wonder why the Republican majority labeled the email about Roe v. Wade “committee confidential” until this morning. Was that email withheld for privacy reasons? No. National security reasons? No. It is ridiculous. The only explanation is that Judge Kavanaugh’s record was being withheld for political reasons. They don’t want the American people to see his view. If the American people knew that Judge Kavanaugh would decide against Roe v. Wade, as it seems this email feels he thinks he can, not bound by legal precedent if he changes his mind, if the Court changes its mind, they would rise up and say: Don’t put him on the bench. So, instead, they hide the records.

My Republican colleagues set up an entire process to go around the non-partisan National Archives, and it appears that the purpose was to hide documents that might shed real light on Judge Kavanaugh’s actual record.

Now, finally, a little late in the game, the truth is coming out, but this is only the tip of the archives. These are the only documents that have slipped through the Republican filter. What else is hidden in Judge Kavanaugh’s record? What else don’t we know about the nominee? When did the Republican majority decide that
Supreme Court nominees should be like icebergs, only a small portion showing, while the real nominee lurks unseen underwater and potentially dangerous?

So I strongly support and commend the Democrats on the Judiciary Committee not to make these confidential documents public. I stand with them. They did the right thing. The American people desire to see these documents.

In this case, committee confidential is a complete fiction, a subterfuge to avoid the American people knowing the real Brett Kavanaugh. The members of the committee should be praised, not chastised, for making these documents available. They did the right thing, and they had an obligation to do it. The Republican members of the committee should be ashamed of themselves—for participating in the administration and Judge Kavanaugh’s coverup of his record. The Senate and the American people have a right to see the nominee’s record, especially now, since the nominee appears unwilling to answer substantive questions about his views.

Whatever the rules may be of the Senate and the American people have a right to ensure partisan advantage and prevent transparency and openness. They should not be twisted to cover up the truth rather than reveal it.

There is so much at stake in this Supreme Court nomination. Will Americans with preexisting conditions be able to get healthcare? Will women be able to make private personal choices about their medical care? Will LGBTQ Americans be able to marry whom they love? Will every American’s constitutional right to vote be protected? Can the President of the United States be held accountable, especially at this time? We know how much we need that. Yet, at every turn, the Republican majority, the Trump administration, and Brett Kavanaugh have prevented the Senate and the American people from being truly able to vet a nominee who could affect the lives of Americans for a generation.

I yield the floor.

Mr. COTTON. Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

NOMINATION OF DOMINIC W. LANZA

Mr. COTTON. Madam President, I speak in support of the nomination of Dominic Lanza to be a district judge for the District of Arizona.

Dominic is my friend and law school classmate and, maybe most importantly, intramural basketball teammate, when he was known as “Dom” or perhaps “The Dominator.”

Now, I can’t claim the credit for Dominic’s nomination. He has the highest marks and his whole life has prepared him for this moment to be a U.S. district judge. Dom graduated with highest honors from Dartmouth in 1998, where he was also an All-Ivy League and Academic All-American offensive lineman on the Dartmouth football team. He received the Barrett Award for being the outstanding graduate of his class in achievement, character, and leadership.

In law school together, he excelled, graduating with honors, serving as a member of the law review.

He went on to clerk for Judge Pam Rymer on the Ninth Circuit Court of Appeals. For 5 years, he worked in private practice with Gibson Dunn & Crutcher in their constitutional and appellate law practice, and won awards for his pro bono work.

For the last 10 years, Dom has served the people of Arizona and the people of this country in the U.S. attorney’s office from the District of Arizona. As an assistant U.S. attorney, from 2008 to 2012, he prosecuted over 300 defendants for a wide variety of crimes, including immigration offenses, drug trafficking, and public corruption.

He authored more than 20 appellate briefs and argued more than 11 cases in the Ninth Circuit Court of Appeals. From 2012 to 2015, he served as chief of the district’s Financial Crimes and Public Integrity section, and he is now the chief and executive assistant U.S. attorney—the No. 2 position in the district—where he oversees the Phoenix office.

Dom said that the most important lesson he has learned in his time at the U.S. Attorney’s Office is the need to represent the facts and the law fairly and accurately to the court and opposing counsel. He has also learned the necessity of treating everybody involved in the legal process—from judges to jurors, support staff, opposing counsel, and parties—with courtesy, dignity, patience, and respect.

Dom has volunteered in the Court Works Program, which students from at-risk schools perform simulated trials. He participated in the Veterans Court Program, which provides increased support and guidance to Federal criminal defendants who are veterans.

Dom participated in, completed, and received the highest marks from Senator McCain and Senator Flake’s judicial nomination panel. He now has the support, as well, of Senator Jon Kyl. I commend all three men for an outstanding selection.

As I said, I can’t take credit for Dom’s nomination, but I can perhaps add a little bit of perspective to the kind of judge he will be from the man I knew in the basketball courts.

Dom was tough. If you were driving to the basket or fighting for a rebound, you did not want him in your way.

Dom was fair-minded. If he fouled an opposing player or knocked a ball out of bounds, you would get no argument from him. He would admit that he knocked the ball out of bounds or that he had committed the foul, and play would go on.

I would say Dominic was even-tempered, something of a gentle giant. When tempers flared on the basketball courts at Hemingway, as they did in retrospect, did too often—and over silly matters—Dominic was a peacemaker, separating those who might otherwise be in an altercation.

Dom was a team player. When it was time for him to take the shot because that is what the team needed, that is what he would do, but he was just as happy to pass the ball off, to set a screen, or battle for a rebound.

Dom was good-natured—competitive to be sure, but he understood that in the grand scheme of things, we were all just a bunch of washed-up high school and college athletes enjoying a few hours off from our studies.

These are all traits that are going to put him in the best position possible to deliver justice not only for the people of Arizona but for the people of the United States. Everyone who comes before him is fortunate that Dominic Lanza will soon be a district judge.

For 42 years, Dominic has been known as Dom or the Dominator, but in just a few hours, he will be known as Your Honor. Few men, by their character and by their lives, better deserve that title than the Dominator, Dominic Lanza.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Mr. BLUNT. Madam President, I want to speak for a few minutes about the hearings going on today with Judge Brett Kavanaugh. I had a chance, as you did, to meet him a little over a month ago. It was clear from that conversation that he is clearly the best person available, in my view, to fill the vacancy left by Justice Anthony Kennedy. I think his opening remarks this week gave great evidence to that. He said he described himself as “a judge must be an umpire—a neutral and impartial arbiter who favors no litigant or policy. . . . I do not decide cases based on personal or policy preferences. I am not a pro-plaintiff or pro-defendant judge. I am not a pro-prosecution or pro-defense judge. I am a pro-law judge.”

What does it mean to be a “pro-law” judge? It means that you see your job as a judge who will look at the law and determine what the law says, whether that is criminal law or civil law.

I am not an attorney, but if you hire an attorney to give you advice on civil law, the greatest benefit you can have
Nothing would be a better example of Judge Kavanaugh’s philosophy than the 300 opinions he has issued as a judge. There is a lot of discussion. Well, there is not enough material out there. We haven’t seen everything. We haven’t seen everything that went through the White House when he was the Staff Secretary for President George W. Bush. We haven’t seen all of that.

Of course, that is not the case. There is plenty to be seen. In fact, there is more paperwork available to look at from Judge Kavanaugh than from the last five Supreme Court Justices put together. I will state that if you are looking for paper, you have paper. If you are looking for the judge’s position, you also have 300 cases, some of which were appealed to the Supreme Court. Thirteen of his opinions—and I think some of them were when he was in the minority on the circuit court bench—became the opinions that the Supreme Court essentially adopted almost exactly as Judge Kavanaugh had written them.

What are you trying to do is put somebody on the Supreme Court for a lifetime appointment. This individual happens to be somebody who for 12 years has been on what is often described as the second most important court in the country.

Why would the DC Circuit—that is the court of appeals for the DC area—be the second most important court in the country? The reason is that most of the cases are new Federal law that involve expansive Federal law, wind up right here. For 12 years, Judge Kavanaugh has been one of those judges.

Believe me, if the Supreme Court had said over and over when there was an appeal from the DC Circuit, that Judge Kavanaugh’s opinion really makes no sense or that Judge Kavanaugh’s opinion wasn’t based on the law, the facts, and the Constitution, we would have heard about that. In 300 cases, we would have heard about that if that had been the case, and we have not heard that. In fact, what we have heard over and over again is about the job this judge has done and the skill he brings to the court.

Going back to the idea that a judge’s goal is not to decide what the judge would like the outcome to be but what the law requires, the reason is that you couldn’t have always been looking at the law. The judge doesn’t write the law. The judge doesn’t come up with the law. The judge doesn’t even have to agree with the law. The judge’s job is to decide what the law says. If you look at every case before you and evaluate it based on the facts and apply the rule of law, you are going to come up with a conclusion you won’t always like, but you will come up with a conclusion that the people who are in the law and the Constitution as how also you came up with it because you came up with it based on the law and the facts.

Judge Kavanaugh’s credentials have been discussed before. Frankly, they came more into focus this week because the hearing—at least half the time—appears not to have much to do with Judge Kavanaugh at all but whether there is enough paperwork to look at or whether a judge who has not reached a different conclusion than he reached. But his qualifications are pretty significant. He is a graduate of Yale Law School. He clerked for three Federal judges, including the Justice he is about to replace. Of course, being a clerk for a judge means that you have graduated from law school. Someone has looked at all the applicants to be their clerk, and—it is almost like graduate work after you have graduated from law school and have to be that clerk. So that happened three times with Judge Kavanaugh, including for Justice Kennedy. He clerked for Justice Kennedy alongside Justice Gorsuch.

In 2006, President Bush nominated him to serve on the DC Circuit Court of Appeals. In addition to that, since 2009, he has been the Samuel Williston Lecturer on Law at Harvard Law School. He was hired by Justice Kagan before she was nominated to the Court by President Obama and who was then dean of Harvard Law School. He has the interesting opportunity to be confirmed to the Court—and I believe he will be—and to be sitting on the Court with a Justice nominated by President Obama who hired him to be a lecturer at Harvard Law School.

In addition to his legal career, he has devoted himself to his community. He coaches his daughter’s basketball team with some pride, Coach K—but not always. He has coached the girls. The girls are very proud of Coach K the girls on that team think of when they think of Coach K. He is a church volunteer. He has mentored people at schools. He has been widely supported by those who have dealt with him—his classmates, colleagues, clerks, and legal scholars.

This week, he received a unanimously ‘well qualified’ rating from the American Bar Association. That is the highest rating they can give, and it was unanimous. That is a pretty good signal that he must have been well prepared as a lawyer to be a judge. The Judiciary Committee has received letters from more than 140 law professors, more than 40 members of the Supreme Court Bar, 80 former law clerks, 30 Harvard Law students, 31 Governors, and many more.

His nomination isn’t just widely supported. It is thoroughly vetted. There are 480,000 pages of documents and, in 300 cases, the opinions he has written.

I continue to believe that the Supreme Court is one of the longest lasting and most important legacies of a President. It will make a huge impact. The Senate's advice and consent to the President’s nominations is one of the most important legacies of the Senate. The Constitution says the President nominates but the Senate advises and consents. This is not just about advice, it is about becoming a partner in that process. If you are a member of the Supreme Court for as long as you live, unless you decide to leave earlier than that.

I am disappointed that almost half of this Senate announced they wouldn’t be for Judge Kavanaugh before his confirmation hearings. At least one-fourth of the Senate announced they wouldn’t be for Judge Kavanaugh before he was nominated. No matter who was going to be nominated, one-fourth of the Senate was not going to be there.

I think we will find that a majority of the Senate will be there later this month. I think we will find the majority of the Senate will be there before the first Monday in October, which is the day the Court starts to hear cases for the coming year.

I think Judge Kavanaugh is going to serve our country well and, I hope, long. I look forward to his confirmation later this month.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

APPROPRIATIONS PROCESS

Mrs. MURRAY. Madam President, I come to the floor today to join the vice chairman of the Appropriations Committee, who will be joining me shortly, in urging our colleagues to avoid a completely unnecessary crisis and work together with us to get out our spending bills and get all of our spending bills signed into law.

We should be able to do this. I am very proud of the work we have done so far. Under the leadership of the chairman and vice chairman of the Appropriations Committee, we have been able to negotiate and pass bills under regular order in a way we have been unable to do for years.
We did this by rejecting the awful and counterproductive budget ideas from President Trump and his administration and by pushing aside poison pill riders that would derail this process—such as attacks on healthcare, higher education, public schools, patient protection, and so many others.

I am particularly proud that we were able to work together and negotiate and pass our LHSS bill through the full Senate, something that has not been done in over a decade.

Our colleagues made strong investments in families, students, teachers, and the middle class, and it rejects poison pill riders. It builds on the strong work we have done to increase access to childcare and early learning and includes targeted funding to address the opioid epidemic, especially in our underserved areas. It includes significant new resources to address the truly alarming issues of maternal mortality, to help us understand why so many women and their families are dying as a result of childbirth and pregnancy and prevent this from happening. The list goes on and on.

We still have some work to do, but we should be able to get this done in the coming days. The clerk will call as a quorum. The clerk will call the roll. The clerk will call the roll.

Just this week, we saw new reports that he is talking, once again, about shutting down the government to try to get the money for his ill-advised and wasteful border wall. President Trump told his voters that Mexico was going to pay for his wall, so maybe he is talking about shutting down the Mexicano Government so that he can get money in Mexican spending bills. But if he is talking about trying to get American taxpayers to foot the bill, that is not going to happen.

I hope Republicans in Congress will continue to stand with us to stay the course on these bipartisan bills. We have come far in this process by putting families first and rejecting attempts to insert partisanship and poison pill riders in all of our spending bills. We need to get this done.

Thank you, Madam President. I yield the floor.

I suggest the absence of a quorum.

The Acting President pro tempore. The Acting President pro tempore. The Acting President pro tempore. The Acting President pro tempore. The Acting President pro tempore. The Acting President pro tempore.

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

The Acting President pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Madam President, in the last few months, the Senate has achieved record progress in going through our Appropriations bills. As we return from the Labor Day weekend, the Senate has already passed 9 of the 12 Appropriations bills by overwhelming bipartisan margins. The Appropriations Committee has reported the remaining three bills, again, with bipartisan support. The end of the fiscal year is only a few short weeks away, but looking at the record pace of our work here in the Senate, there is no reason why we can't finish all of these bills with the House and send all nine to the President's desk before October 1.

It would be quite an accomplishment. It would prove the American people, especially when it matters, Congress can come together and do the job we were sent here to do. That includes passing responsible, thoughtful, and well-considered appropriations bills on time and on budget.

When I became chairman of Appropriations, with Senator SHELBY as chairman of Appropriations, we pledged to each other and the Senate that we would move these bills in a way that they had not been moved in years and that we would do it in a bipartisan way.

It is important that we conference all of the bills we have passed in the Senate so far and then send them to the President's desk. We cannot just pick and choose and say: We will do this one based on political expediency but not this one. That would put us right back in the trap in which we had been in past years. We have to show the American people that the Senate actually knows how to work. The hard work has been done. We know the issues we need to resolve, so now we ought to take these bills across the finish line.

It may sound archaic, but let me talk about minibus No. 1, which contains the Energy and Water Development Appropriations bill, the Military Construction and Veterans Affairs and Related Agencies Appropriations bill, and the Legislative Branch Appropriations bill. It provides resources for the support and care of our Nation's veterans and their family members, and it makes critical investments in our country's water infrastructure and energy programs. Yesterday, we held a public conference with the House of Representatives on the first minibus, and I am pleased to report that we have made some significant progress.

One of the reasons we are successful in moving bills in the Senate is that we advance bills that are free of poison pill policy riders from either the left or the right. In fact, my experience and the experience of many others tell us that is the only path to success in the Senate, where we rightfully need 60 votes to advance legislation, and it is the only path to success for conferencing the three minibus bills. I challenge the House Republicans to come to terms with that reality. No one should mistake—and I want to emphasize this—Democratic opposition in the Senate from a sign that we will support a conference report that contains poison pills. We will not.

Minibus No. 2 contains four appropriations bills—the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill; the Interior, Environment, and Related Agencies Appropriations bill; the Foreign Operations and Related Agencies Appropriations bill; and the Transportation, Housing and Urban Development Appropriations bill. The House plans to appoint conferees to this minibus later this afternoon. I encourage the Senate to follow soon thereafter. Let me take these one by one.

The Agriculture appropriations bill is a win for farmers, families, and rural communities. Every State in the Nation has rural communities—the President does; I do; every State does—and farm economies that benefit from these important programs. From clean water programs to investments in rural housing assistance to agricultural research, this bill touches millions of Americans across the country.

In the wake of the uncertainty and chaos that has been caused and unnecessary tariffs, our farmers and rural communities deserve better than inaction on appropriations. Both the House and the Senate have passed their versions of the bill. So let's just get to work and send the conference bill to the President.

The same goes for the Transportation, Housing and Urban Development Appropriations bill, which makes critical infrastructure investments across the Nation, and we immediately need them. Improving the Nation's infrastructure was one of President Trump's key campaign promises, but instead of proposing realistic solutions, he has criticized the very budget deal that rural made increasing in infrastructure possible. Instead of improving our infrastructure, he has proposed cutting—not increasing—funding in his budget for infrastructure programs.

Here we have an opportunity to invest in our country and address our crumbling bridges and roads. We cannot and should not kick the can down the road. There is not a single Senator here who cannot point to the needs of the bridges and roads in his or her State.

Then we have the Interior bill that makes critical investments in programs that help to ensure we have clean water to drink and clean air to breathe and that funds our national parks and other public lands. The Financial Services bill funds regulatory agencies that U.S. citizens rely on to protect them from unfair, unsafe, or fraudulent business practices, like the Consumer Product Safety Commission, the Federal Trade Commission, and the Federal Trade Commission.

Congress now stands poised to deliver to the American people, but we have to get moving. Leaving these important agencies to limp along in a continuing resolution is unwise and unnecessary. We have laid the groundwork to finish these bills. Now we just need the will to do it.
This brings me to minibus No. 3, which contains the Defense appropriations bill and the Labor, Health and Human Services, and Education appropriations bill. It funds our national security and many of our domestic priorities, and it demonstrates the importance of the bipartisan budget agreement that was reached earlier this year. In this combination of bills, we see the priorities that are outlined in that agreement made into real policy to improve the lives of the American people. It is not empty rhetoric but real policy, and that is why so many Republicans and so many Democrats voted for it.

As a result of the bipartisan budget deal, the Senate’s Defense appropriations bill provides the men and women of our Armed Forces with the resources they need to carry out their missions effectively and safely. This is a goal that Republicans and Democrats share as Americans, and I know that in working with our House counterparts, we can produce a good bill for our troops and our Nation.

The Senate’s Defense, Labor, HHS, and Education appropriations bill. I think of the way Senator Patty Murray has worked so hard with Republicans and Democrats—with all of us—to put together a bill that reflects the interests of all of the country.

Look at the investments in healthcare and education. It includes funding for the National Institutes of Health by $5 billion over fiscal year 2017. This includes the National Institutes of Health, one of the treasures of America. It backs our commitment to increase access to higher education by increasing college affordability spending by $2.3 billion over fiscal year 2017. My family came to Vermont in the mid-1800s. I was the first Leach to get a college degree—my sister, the second. Then, when our children came along and our grandchildren, we never doubted it; of course, they would go to college. To the same extent, we should be doing that for a whole lot of people in this country, so we need this bill. It also increases access to childcare by $3.2 billion over fiscal year 2017, and it invests nearly $3 billion to combat the opioid crisis that has plagued communities across this country.

The House did not follow the Senate’s bipartisan efforts. The House produced a partisan Labor-HHS bill that shortchanged programs for working Americans. It loaded with poison pill riders that could never pass in this body—from attacks on the Affordable Care Act to restrictions on family planning.

My staff and Senator Shelley’s staff—several of us—have been working days and weeks and weekends, and we will continue to do that in order to work out these differences. The differences are challenging but are not insurmountable. The reason we have to have a compromise is that we have to get these bills across the finish line. The deep ties that run between defense and nondefense priorities make it fitting that we have packaged these two bills together, but they have to stay together if we are going to get them across the finish line by October 1. If they are decoupled, it will destroy the bipartisan process we have worked so hard to establish, and it will not go through. It is possible that the CR will be included in this bill, so it is essential that it be bipartisan and free of any controversial matter.

Again, the reason we have been so successful in this Senate in moving appropriations bills is that we have worked together. Chairman Shelby as chairman and I as vice chairman have worked with Republicans and Democrats alike who are on the Appropriations Committees that have worked together. We have cooperated with each other. We have met over and over again. Each side has shown restraint in pursuing issues we have felt strongly about because to have done so would have imperiled the whole process. There are certain things that I would have liked in this bill, and there are certain things my Republican counterparts have liked in the bill, but we all know that the bill would not have gone anywhere if we had done that. Instead, we have come together on those things that can pass. Both sides have had to trust the other, as we have done, so we could reach agreement to move these bills forward.

Let’s finish what we have started in the way we started it—through bipartisanship and cooperation. That means the Defense and Labor-HHS bills must stand together. We cannot drop one and finish the other. That is a nonstarter. Everybody knows that. It also means the Senate must stand together if the House insists on producing partisan conference reports that contain poison pill riders. They cannot pass. Finally, it means we have to remain committed to finishing all three packages of bills and sending them to the President.

If House Republicans decide to delay the minibus bill and the election, and drop the Labor, HHS, and Education bill from minibus No. 3, it will mean the $18 billion increase for Defense that is assumed in the bipartisan budget agreement will be enacted while the $18 billion increase of nondefense programs could be left in the dust—a clear violation of the bipartisan budget agreement that was based on parity between defense and nondefense programs agreed to by both Republicans and Democrats. I predict it could not pass. Furthermore, we are working overtime to produce some of our most basic constitutional responsibilities. Americans expect us to work together, as the U.S. Senate did, and across the aisle to reach agreement on these bills. The programs funded in these bills make a real difference in people’s lives, and they should not be held up due to partisan differences.

Let’s do what we were sent here to do. Let’s pass the bills before the start of the new fiscal year. We can do it, and we have shown how to do it.

I yield the floor.

The PRESIDING OFFICER (Mr. Sasse). The Senator from Oregon.

NOMINATION OF BRETT KAVANAUGH

Mr. MERKLEY. Mr. President, the most important words of our Constitution are the first three—"We the People." It is the mission statement of our Nation—a nation of the people, by the people, for the people, as President Lincoln so eloquently stated, not a nation of, by, and for the powerful and the privileged.

Yet the powerful and the privileged are working overtime to undermine our Constitution. Ironically, they are using the courts to do it. We have seen it happening all week long as the Judiciary Committee has held hearings on Judge Brett Kavanaugh’s nomination to the U.S. Supreme Court. This is the same Judge Kavanaugh whose record from 5 years of serving in a Presidential administration is still being hidden from the Senate and from the people of the United States of America.

For 5 years, Brett Kavanaugh had the ear of the President on a number of critical issues—on how we treat enemy combatants, conduct wars in Iraq and Afghanistan, use and expand Executive power through signing statements, or how the authorization for the use of military force is utilized. For 5 years, in the inner circle of America, he had been engaged in policy after policy after policy. Yet Chairman Grassley and the committee Republicans are unwilling to allow that record of insights on his views to be shared with Senators under advice and consent responsibility.

Then there is this parallel process in which the documents that are being made available are first being vetted by Bill Burck. Who is Bill Burck? He is a partisan Republican lawyer who used to work for the nominee. He is the one who has the final say over what documents are released, not just to the Senate but to the American people.

He is the one who decided to release 42,000 pages of documents—not the ones from those 5 years we are talking about—just hours before the hearing began. Who could possibly review 42,000 pages the evening or the night before the hearing occurs? It is humanly impossible. There was an agreement for the final say over what documents the Senate sees. He is the one who has the final say over what documents are released, not just to the Senate but to the American people.

I have said many times that if we are to have a strong national defense, we need to have a strong economy, an educated and healthy citizenry, and an able workforce. The programs that are funded in the Labor, HHS, and Education bills are critical to doing that. The deep ties that run between defense and nondefense priorities make it fitting that we have packaged these two bills together, but they have to stay together if we are going to get them across the finish line by October 1. If they are decoupled, it will destroy the bipartisan process we have worked so hard to establish, and it will not go through. It is possible that the CR will be included in this bill, so it is essential that it be bipartisan and free of any controversial matter.

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documents. So instead of nonpartisan public servants vetting the documents, we have a partisan Republican lawyer, who worked for the nominee, deciding what we are going to see in the U.S. Senate, what the public and the United States is going to see. This is not transparent. This is censorship. Right censorship. That censorship is absolutely wrong in numerous contexts but particularly in intervening with the responsibility of the Senate.

Instead of integrity, we have deceit. Instead of honoring advice and consent responsibility, we are dishonoring that fundamental constitutional role. This is a rigged system, completely and absolutely rigged through the censorship of the documents we see and the blockade for the documents we need.

As Kristine Lucius, who is a former Judiciary Committee staff director who worked on half a dozen Supreme Court nominees, said, this process is "not just breaking the norms. It's absolutely breaking on pretty high moral ground." Absurdity, censorship, a complete failure of integrity, that is what is happening right this moment during the U.S. Senate's deliberation of the Supreme Court nominee.

Now if there was a time when my Republican colleagues argued for a full, transparent examination of a nominee's record before the Senate could consider the nomination, when Justice Kagan was nominated 8 years ago under a Democratic President, and so to evade an issue saying, well, we haven't got it. We do know a fair amount from his White House service. Chairman Grassley said on the Senate floor: "In order for the Senate to fulfill its constitutional responsibility of advice and consent, we must get all of her documents from the Clinton Library and have enough time to analyze them so we can determine whether she should be a Justice." That was the Kagan standard articulated by my Republican colleagues and shared by my Democratic colleagues, a standard that was bipartisan, and a standard that was supported by Republicans and Democrats for the nomination process for a Supreme Court Justice.

The Kagan standard is one Democrats supported under a Democratic President and a Republican President. That is called integrity. That is called principle. What we have today is my Republican colleagues saying: We supported transparency under a Democratic President, but we support censorship and the blockade of documents under a Republican President. That is the opposite of principle. That is the opposite of integrity. The Kagan standard, supported by both sides just a couple of years ago, should be the standard we all put forward. We can't fully evaluate Kavanaugh's record if we don't have the full record of his involvement on so many issues during his time working in the executive branch.

Hearings are supposed to give us a chance to get at some of those issues, but what have we heard? Well, we heard the same, tired, obligatory responses such as: I will be a judge who can call balls and strikes. We have heard that before, and then we have seen the rightwing judicial activists legislating from the bench on issue after issue—on workers' rights, on environmental rights, on consumer rights, through the courts. We really have no idea who we know it is "umpire" before you get there, and then suddenly it is a desire to implement a far-right, anti-American, anti-Constitution philosophy of control by the powerful and privileged, undermining the core principle of the Constitution of the United States of America.

What else have we heard from Judge Kavanaugh? We have heard: Well, that is settled law. That is, perhaps, the worst kind of dishonesty we can possibly hear. Why is it artificial and phony? Because when you are on the Supreme Court, the decisions you make become the interpretation. You either reinforce or you unsettle, but you are not supposed to follow what the courts have done before.

The Roberts Court has overturned "settled precedents" time after time after time, and for a nominee of the Supreme Court to pretend that isn't the case—it means either he is ignorant or deliberately deceptive. I don't think Judge Kavanaugh is ignorant. He knows the record. He knows the Supreme Court changes prior precedents. He knows they change "settled law," and so to evade an issue saying, well, that is settled, is simply to be deceptive.

Sometimes, in addition to the hearings, we learn some information through a nominee's meetings with the President that has refused to answer even the most basic questions about his jurisprudence, said Senator Schumer, following his own meeting with the nominee. Senator Schumer went on to say that Mr. Kavanaugh refused to say if Roe v. Wade or Casey v. Planned Parenthood were correctly decided because that would actually be to indicate some sense of one's judicial view, and we are getting nothing.

As Senator Schumer said, he couldn't "recall his level of involvement in a number of controversies during his time in the Bush White House." Here is a thought: If we get the records on his involvement in the Bush White House, we will actually know what his thoughts were, and maybe we can jog his memory that he so carefully and conveniently lost somewhere along the way. The American people deserve integrity in this process, and we are not getting it.

We do know a fair amount from his previous public decisions. We know he likes to legislate from the bench against workers, against consumers, against clean air, and against clean water. We know he doesn't believe healthcare is a fundamental right in the United States. We know he wants to strike down Roe v. Wade. We know he has a view of the Presidency that is appropriate for a King and a kingdom but not for a President and a republic. He has this extraordinary view of Presidential power. He doesn't believe a President can be indicted. He doesn't believe a President can even be investigated. He believes a sitting President should not choose to ignore laws passed by Congress if the President says they are unconstitutional, even if the court has said they are constitutional.

Think about that for a moment. Here is a judge saying he believes the President can ignore what the courts say is constitutional and unconstitutional. You can't get more expansive Presidential power than that.

So why was Judge Kavanaugh chosen off of this list of 25 individuals? The answer is: He is the one who can write a "get out of jail free" card for the President of the United States—our President, who is under investigation. He is under investigation for colluding with foreign powers, for obstructing on national security, for a national election. His former campaign chairman has been found guilty on eight different criminal charges. His former lawyer and fixer pled guilty to eight criminal charges and testified, as part of the making of campaign payments at the direction of—drumroll, please—a candidate for Federal office. Who is this candidate for Federal office? None other than President Donald Trump—President Donald Trump, directing a felony crime.

When one hasn't been indicted in that situation, it is referred to as an unindicted coconspirator. The Watergate grand jury used that term, "unindicted coconspirator," to describe the President. That is settled. That is settled law. This is unsettled. This is a President who can write a "get out of jail free" card for the President of the United States, our President, who is under investigation. He is under investigation for colluding with foreign powers, for obstructing on national security, for a national scandal, and it fits perfectly with the role President Trump is playing today.

To say that a dark cloud of corruption hangs over this administration and hangs over this nomination would be a massive understatement. Until that cloud is lifted and until this President is cleared, this nomination should not go forward.

We have already seen that my colleagues have fudged their position from having a Democratic President to a Republican President. They have turned transparency into censorship. They have taken the Kagan standard and trashed it. We cannot act as if all is well in the Republic. We cannot act as if everything is normal. We cannot act as if this is any other nomination put forward by any other President because it is not.

It should be clear to all of us that this nomination should not go forward until the Mueller investigation is concluded. I know my colleagues are not prepared to take that stand, but surely we can agree that the Senate cannot
perform its advice and consent while our hands are tied by a partisan vetting process, hiding hundreds of thousands of documents from the Senate and from the people.

I call upon my colleagues to rise from their current disempowerment and the吞噬 of the responsibility of advice and consent. Stand up for the same principles you stood up for just a couple of years ago, when you demanded the full record for the Senate to undertake its investigation into a nominee's personal and professional history into this process. Publicly refuse to proceed until we the Senate and we the people have the full set of documents about this individual's records. To do any less is to bring shame and injustice upon this body that I believe in so strongly, a responsibility of advice and consent that I believe in so strongly, and a responsibility that my colleagues believed in so strongly just a couple of years ago.

Let's stand together, as we stood together just a couple of years ago, Democrats and Republicans, demanding transparency and integrity. Let this not be the moment when my colleagues fail to uphold their constitutional responsibilities.

Thank you.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, first, I would like to comment briefly on the last speech. The first was from Senator LEAHY. He talked about the appropriations process. I commend him, as I did on the floor today in person, for the work he has done with Senator SHELBY and others to actually move these appropriations bills, these spending bills, through the process. For the first time in a couple of decades, we have the opportunity to actually get our work done. It is incredibly important for all the right reasons, including having the right oversight of the Federal agencies and departments. He deserves credit for that.

My colleague from Oregon just talked for a moment about the Kavanaugh hearings. He talked about the fact that he believes there is not enough information out about Brett Kavanaugh. Let me just say this. There has never been more information about any nominee to the Supreme Court, ever, in the history of our country. In fact, there are more pages of documents than have ever been provided on Brett Kavanaugh than for the past five Supreme Court confirmations combined—over 450,000 pages.

Maybe my colleagues who raised these concerns decided a long time ago they were not going to get a vote no matter what. I believe in the system that is in place to do what is right, and I don't think you can blame it on the fact that there isn't enough documentation.

I know what they went, and I understand why they would want it. What they want is the documents that went through his office when he was Staff Secretary, which is a job at the White House where you are kind of like the traffic cop, where everything that goes into the Oval Office and everything that comes out is coordinated and disseminated properly. But those weren't his documents. Yes, it is not appropriate to see all of those documents. That would be, by the way, millions of additional documents available. But the 488,000 pages that have been provided—including all of the documents from his legal positions where he was a judge, where he was an associate counsel in the White House—those have all been provided, and it is good that it is getting looked at and looked at carefully.

It is not about the documents. It is about some fundamental differences about philosophy. I like his philosophy. He says that you shouldn't legislate from the bench and that you should be independent as a judge and be fair.

He is totally qualified. The American Bar Association is sometimes criticized by Republicans as being too far to the left. It just was “strenuously qualified.” In fact, they gave him their highest rating, and they gave it unanimously. This just happened last Friday. Not everybody knows this. This person is not just qualified. I believe he is as qualified as any person in the country to be on the U.S. Supreme Court. I am looking forward to having the opportunity to have this vote here on the floor. I hope it can be bipartisan, as it has been for the nominees that President Obama brought forward, including then-Senator Kagan and Judge Sotomayor. They were big bipartisan votes. Let's get back to that when somebody is as qualified as this candidate clearly is.

OPIOID EPIDEMIC

Mr. PORTMAN. Mr. President, I wish to speak about this issue of opioids and the crisis our country faces. Just in the last couple of weeks we have gotten reports from the Centers for Disease Control from last year’s data on overdoses and deaths: 72,000 Americans lost their lives to overdoses, and, now, these synthetic opioids—72,000 Americans lost their lives to overdoses. This is heroin, prescription drugs, and, now, these synthetic opioids—72,000 Americans.

In the wake of that, it is encouraging to see the Senate talking about the possibility of bringing a package of legislation to the floor that will help to push back against this crisis and begin to turn the tide. We have to do it—not just talk about it. We have to act because this crisis is upon us and is very real.

These new efforts that we should move forward on would build on what this Senate has already done with regard to the Comprehensive Addiction and Recovery Act, or the CARA legislation, which is now being implemented in my State of Ohio and around the country. There is also the Cures legislation, or the 21st Century Cures Act. It has some additional provisions that allow States to take funding and use it to fight this opioid addiction. That is smart. There are smart ways for us to fight this opioid epidemic. We know that, and we are beginning to do that. At the Federal level we can play a role in this, among other things, by better funding around the country and ensuring they are being used back home in our States. I have seen firsthand because I have been around the State of Ohio a lot this legislation has been passed. I have actually visited more than a dozen grant recipients of CARA and Cures grants to see what they are doing and then spreading that around to other communities—maybe communities that haven't been able to get the grants but want to see something innovative to be able to push back.

Last Friday I visited Hope Village Recovery Center in Portage County, OH. They received more than $500,000 to get over their addiction, get back to their families, to back to work, and back to seeing their new program, an innovative program called the “mom and child program.” These are moms who want to help to get over their addiction. They are struggling. This program allows them to come on board to this facility that I got to see, to be able to have some of the loving support and care from people around, but also to have their kids come with them. This is very unusual. Very few treatment centers in the country allow children to come into the treatment program. We have found through evidence-based programs looking at this that, in fact, if you allow the kids in there and there is proper supervision, it helps. It helps the mother heal. It helps the kids to be able to heal.

So this is an innovative program that I think is going to end up with great results. They are just getting started on it, but it is going to foster the kind of success that we want to see.

Programs like these are working. Yet the epidemic seems to be getting...
worse. Why is that? Well, because we need to do more of this evidence-based stuff. We need to be sure that every community has the opportunity to provide treatment because a lot of people still can’t get treatment. We need to encourage people not to go down this funnel of addiction by much more effective and stronger prevention and education programs. There are things we have to do.

CARA 2.0, or the Comprehensive Addiction Recovery Act 2.0, is how it was introduced. That legislation that I have introduced will ensure that those programs that are working get additional help so that the States can do even more by leveraging some of these Federal dollars to be able to do more with the private sector and with the States to be able to turn this tide of addiction.

I talked about the 72,000 lives lost last year. That was a record number. Here is a map of the States. This is a map showing the increase in overdose deaths from last year. If it is a purple or blue State, that means they are doing a little better. Look at this map. Almost every State, unfortunately, is not purple or blue. These States that are tan and gray home the rate of Ohio, indicate an actual increase in opioid deaths last year.

Why is this? I think one of the main reasons for this is because there is a new danger afoot. There is a new surge in drug activity. It is 50 times more powerful than heroin. It is very inexpensive. It is coming primarily from China and coming primarily through our U.S. Postal Service, if you can believe it. It is called synthetic opioids. Fentanyl is the name that most of it is called. Some of it is called Carfentanil and other derivatives, but this fentanyl—this synthetic opioid—is now the biggest problem we have in our States. This is the growing crisis.

Here is a chart that shows what has happened just since 2015 until now. It shows that in fact, methamphetamines, other opioids, heroin, cocaine are all relatively flat. But look at this big increase. The big increase is with synthetic opioids. When you look at those 72,000 deaths from last year, the majority of them were from opioids. Again, increasingly, it is from these synthetic opioids.

What is happening in Ohio—whether it was at this Hope Village Recovery Center that I talked about or the CommQuest facility—is that unless we combat that influx of fentanyl, we are not going to be able to turn the tide, because despite some of the good programs and the good work that is being done with these programs, we are being overrun with fentanyl.

Over the past week alone, in the Columbus, OH area, the Franklin County coroner has handled 18 overdose deaths, and 5 were within 24 hours. There were 18 deaths, and 5 were within 24 hours. Imagine that. The cause, the coroner suspects, is fentanyl. If you look at some of these deaths that we talked about, the 72,000—or even deaths that occurred to people who thought they were taking cocaine or methamphetamines or something else—often it is because the fentanyl has been sprinkled into the heroin. That is what is causing the overdoses and the deaths. It is 50 times more powerful, as I said, and that is the new scourge of the opioid epidemic.

From 2013 to 2017, fentanyl overdose deaths have increased nationally by 850 percent.

As coroners’ reports for 2017 continue to come in throughout my home State of Ohio, fentanyl now appears to be involved in two-thirds of the deaths in Ohio. So those are record numbers, and two-thirds are from fentanyl. That is consistent with what I am hearing on the frontlines.

Unbelievably, we know where it is coming from and we are not doing enough to stop it. It is being made in laboratories in China, primarily, and in other countries and shipped into the United States through our own U.S. Postal Service, a government agency.

Based on our undercover investigation into this issue in the subcommittee that I chair called the Permanent Subcommittee on Investigations. We did a thorough study. We had undercover people working with us. We went online to find out what is happening. We found out how easy it is to purchase fentanyl online and have it shipped to the United States.

Why is that? It is because the private carriers are required to provide law enforcement with big data, or electronic data, information about the packages are, where they are coming from, where they are going, and what is in them. Law enforcement can then use big data, use their algorithms, figure out which packages are suspect, and get them off the line. I have seen it. I have been in those facilities. I have seen big packages being taken off and, therefore, lives being saved. At a minimum, this will increase the cost on the street.

What is the ultimate answer to this? It is prevention, education, a change in our hearts and in our families, better treatment so that people who have this disease can get the treatment just like any other chronic disease, and we are dealing with this issue of longer term recovery, which leads to more success in treatment.

Those are all essential, but right now we have to put a tourniquet on this. We have to stop the fentanyl from flooding into our country. Look at what it is doing. There is an 850-percent increase.

The information tells law enforcement what they need to be able to pull these packages off if it is provided. Yet, unbelievably, all of the private carriers are required to do it and have been since 9/11.

Meanwhile, because of pressure from the post office, the U.S. Postal Service is starting to look at some of these packages. Last year, they now testified before us in the subcommittee, they did receive data on about 36 percent of the international packages—not 100 percent as these other carriers have to do, but 36 percent. But that means that more than 318 million packages—318 million packages—are coming in with little or no screening at all and without this data.

And, of course, as the post office conducted a pilot program to screen for these drugs, by the way, 80 percent of the time, they testified, these packages were targeted by Customs and Border Protection were able to be stopped, but 20 percent of the time, they did not get the information to law enforcement. Also, in many cases, the information provided was not useful to law enforcement.

So we need to ensure it is 100 percent of these packages. We need to ensure that all of this information is getting to law enforcement, and we need to be sure that the information is useful and legible.

The bipartisan STOP Act is actually an answer to this. The STOP Act is very simple. My coauthor of the STOP Act is Senator Amy Klobuchar from Minnesota. As we have both said, this is a simple, commonsense, and, quite frankly, long overdue reform. It simply says: Let’s hold the post office to the same standard to which we hold these private carriers. Let’s say they have to provide this data to law enforcement so that we can begin to address this issues and to keep this poison out of our communities.

This bill has been approved for a floor vote on the Republican side. I think it is very close to being approved for a floor vote on the Democratic side. We are very close to a consent agreement to get this broader opioids package I talked about to the floor as well.

I am very pleased that we are taking up this package this month. We need to ensure that we have the resources to get this done. The people we have, they are very frank about it. We have to get the politics out of this. Our folks have to be sure that we are moving forward, as we have been able to do on the CARA legislation and the CURES legislation, not just on a bipartisan basis but on a nonpartisan basis, because this scourge is affecting all of our constituents and it is one that we have to address here at the Federal level to help our States, to help our communities, and to help our families to be able to respond.

The broader opioid package we talked about would include the STOP
Act, but it also would include some other important legislation. It will include a number of provisions from CARA 2.0, such as national recovery housing standards and recovery support programs for high school and college students struggling with addiction, which have worked really well in Ohio. It will include $60 million for a plan of safe care for babies who are born dependent on substances. These babies are born with what is called neonatal abstinence syndrome. These are innocent, small babies who are often born premature.

I have been in neonatal units around our hospitals in Ohio, and I have seen these babies. It is so sad. They have to be taken through withdrawal as tiny babies. We need to ensure that we do a better job of preventing this by working with the moms as they become pregnant and by ensuring that these kids get the help they need.

It also includes the CRIB Act, bipartisan legislation that would help newborns suffering from addiction recover in the best care setting and provide support for their families.

Again, this has been bipartisan. I have worked with Members on both sides of the aisle on the CRIB Act. It helps to ensure that these babies, when they are born with this neonatal abstinence syndrome, can get the care they need. It is working for these organizations that are doing it, but they need help—specifically, Medicaid reimbursement that they cannot get currently.

The bill also reauthorizes a number of other important programs that have a proven record of success, like the Office of National Drug Control Policy, drug courts, drug-free communities prevention grants, and the high-intensity drug trafficking areas grants, where law enforcement is focusing on drug interdiction in some of the worst areas of our country for drug use and drug addiction.

The STOP Act must be part of that Senate bill, as well, because, again, anything we offer to help deal with this issue of opioids has to include stopping the fentanyl from coming in.

It is time for Congress to move. This should be noncontroversial. It is common sense. We know where these drugs are coming from, we know they are devastating our communities, and we know how we can stop this deadly trend. Let’s pass the STOP Act. Let’s pass this broader opioid package as soon as possible.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. PORTMAN. Let’s give Americans who are fighting addiction a chance to live up to their God-given potential.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Marilyn Jean Horan, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Horan nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of William F. Jung, of Florida, to be United States District Judge for the Middle District of Florida.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Jung nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Kari A. Dooley, of Connecticut, to be United States District Judge for the District of Connecticut.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Dooley nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of Dominic W. Lanza, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Lanza nomination?

Mr. WHITEHOUSE. 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 read the nomination of Charles J. Williams, of Iowa, to be United States District Judge for the Northern District of Iowa.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Williams nomination?

Mr. MENENDEZ. 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 North Carolina (Mr. BURN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CRUZ), the Senator from Montana (Mr. DAINES), the Senator from Oklahoma (Mr. DOUGHERTY), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Mr. DURBIN. I announce that the Senator from Florida (Mr. NELSON) and the Senator from New Hampshire (Mrs. SHAINES) are necessarily absent.

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

The result was announced—yeas 79, nays 12, as follows:
CONGRESSIONAL RECORD — SENATE

September 6, 2018

[ Rollock Vote No. 204 Ex. ]

YEAS—79

Alexander
Baldwin
Barrasso
Bennet
Blumenthal
Bhutan
Boozman
Brown
Cassidy
Capito
Cardin
Casper
Casey
Cassidy
Collins
Coons
Corzine
Cortez Masto
Cotton
Crapo
Donnelly
Durbin
Enzi
Ernst
Feinstein
Fischer
BOOKER
Gillibrand
Harris
Markay
McCaskill
McConnell
MURTHA
NOT VOTING—9

Burr
Corker
Cruz

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Robert R. Summerhayes, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Summerhayes nomination?

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Eric C. Tostrud, of Minnesota, to be United States District Judge for the District of Minnesota.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Tostrud nomination?

The nomination was agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Alan D. Albright, of Texas, to be United States District Judge for the Western District of Texas.

Thereupon, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Albright nomination?

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table.

The President shall be immediately notified of the Senate’s actions.

The majority leader.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session. The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 1013.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

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

The senior assistant legislative clerk read the nomination of Charles P. Rettig, of California, to be Commissioner of Internal Revenue for the term expiring November 12, 2022.

The motion was agreed to.

EXECUTIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

GUATEMALA

Mr. LEAHY. Mr. President, the decision, announced last Friday, by Guatemalan President Jimmy Morales to not renew the International Commission Against Impunity in Guatemala, CICIG, after its current term expires next September, was a profound mistake.

That mistake was further compounded on Tuesday when the government announced that the CICIG Commissioner, Ivan Velasquez, a respected Colombian jurist, had been summarily declared a “national security threat” and barred from reentering the country. That is the kind of fear-provoking mischaracterization one might expect from an authoritarian government that will use any outlandish justification to silence its critics but not from a democracy.

I urge President Morales to reconsider and to reverse these actions for the benefit of the Guatemalan people, in the interests of justice and on behalf of Guatemala’s relations with the United States and its international reputation. There may still be time to turn this political and judicial crisis into a positive outcome for the country.

At the time of his public announcement to not renew CICIG, President Morales was joined on the podium by dozens of uniformed military and police officers. At the same time, military vehicles carrying officers armed with heavy weapons—vehicles provided by the United States for legitimate law enforcement purposes—lined the street in front of CICIG’s office. They also drove past the Constitutional Court and the U.S. Embassy. It was an intimidating display reminiscent of the 1970s and 1980s, and the intended message was clear: The commanders of Guatemala’s security forces—which in recent years have been reliable partners with the United States—have sided with those in power to shut down the only credible mechanism for combating the corruption and impunity that plague that country.

Not yet determined is the fate of CICIG’s 45 or so international lawyers and investigators, whose work permits have expired. If Commissioner Velasquez is not allowed to return and CICIG’s other employees are forced to leave the country, CICIG will, for all practical purposes, cease to exist.

President Morales’s decision to do away with CICIG in a manner that the U.N. Secretary General says “does not appear to be consistent with the Agreement on the establishment of CICIG” was reportedly precipitated by a decision of the Supreme Court, days earlier, to refer to Congress a petition by the Attorney General to lift President Morales’s immunity for violating campaign financing laws. It appears that President Morales is more
concerned with his own legal vulnerability and that of his supporters than upholding the institutions of justice. It is also increasingly apparent that this attack on CICIG is only part of a broader attempt that has been gaining steam over the better part of a year to destroy the independence of the constitutional court, weaken civil society, intimidate human rights defenders and journalists, and undermine the rule of law. It is an existential confrontation between the forces of corruption and impunity and Guatemala’s fledging judicial institutions.

Ever since CICIG was established 11 years ago to help combat the pervasive corruption, infiltration by organized crime, and near total impunity in Guatemala, the State Department and the U.S. Embassy have consistently supported CICIG, as have Republicans and Democrats in Congress. We are all familiar with the historical links between drug traffickers, Guatemala’s security forces, and public officials. It has been widely recognized by the Guatemalan people that, because of CICIG and Guatemala’s Public Ministry, working together, the cause of justice—including convictions of corrupt senior government officials—has been significantly enhanced. Without CICIG, these achievements would not have been possible.

On Saturday, September 1, Secretary Pompeo responded to President Morales’s announcement with a bizarre tweet that did not even mention CICIG. Instead, the Secretary expressed appreciation for Guatemala’s “efforts in counternarcotics and security.” That is a bit like being told that the courthouse is on fire and responding that the stock market is up. The State Department should condemn what is occurring in Guatemala, reaffirm its support for CICIG and Commissioner Velasquez, and make clear that Guatemalan officials will be sanctioned under U.S. law. Otherwise, it will share complicity in the unraveling of years of U.S. investment in CICIG and in judicial and law enforcement reform in Guatemala.

Perhaps the State Department is worried that, if President Morales is reelected, the future of CICIG, of its Commissioner and employees, and of the rule of law in Guatemala—not just under President Morales but for the remainder of his term and beyond—will be in the hands of the Guatemalan people, the judiciary, and the Congress. As a former prosecutor and the senior member of our Judiciary Committee, I have long recognized that an independent judiciary is a cornerstone of democratic government. It is what gives practical meaning to the phrase “rule of law,” which is fundamental to strengthening democracy. To its credit, Guatemala’s constitutional court has displayed that independence in the past. That independence is needed now.

As a result of President Morales’s actions, security cooperation with Guatemala and loans from international financial institutions are now in jeopardy. That is not in the interests of Guatemala or the United States. Recognizing what is at stake and in support of the courageous Guatemalans who are defending the Constitution and the rule of law, I will not support the expenditure of U.S. funds for assistance for the Guatemalan government, for the Alliance for Prosperity, including for the military and police forces, until the fate of CICIG and Commissioner Velasquez is satisfactorily resolved.

TRIBUTE TO KATHERINE JOHNSON

Mr. MANCHIN. Mr. President, Today I wish to honor a White Sulphur Springs native who not only completed groundbreaking work at NASA during the space race, but who also broke the barriers of race and gender during a critical time in our Nation.

Katherine Coleman Goble Johnson was blessed with a natural talent for mathematics which far exceeded that of her peers. To the age of 13, Katherine was already attending high school on West Virginia State College’s campus where, in 1937, she received a B.S. in both mathematics and French. In 1959, when West Virginia began to integrate its high schools, West Virginia State’s president, Dr. John Davis, personally selected Katherine and two male students as the first African-American students to attend West Virginia University.

After starting a family, Katherine found work at the West Area Computing section of the National Advisory Committee for Aeronautics’ Langley Laboratory. Informed by fellow West Virginian Dorothy Vaughan, the 1957 launch of the Soviet satellite, Sputnik, changed history—and Katherine’s life. Her work on the equations to describe an orbital spacecraft in which the landing position of the a spacecraft is specified led to Katherine being the first woman recognized as an author of a report from the flight research division.

As NASA prepared for the orbital mission with John Glenn in 1962, Katherine was famously asked to run the orbital equations controlling the Friendship 7 trajectory by hand in case of a mechanical computing error. Katherine has recalled John Glenn saying that, if she said the numbers were good, then he was good to go. The mission was a success and marked a tremendous turning point in the competition between the United States and the Soviet Union in space.

Katherine’s story inspired the book, “Hidden Figures,” by Margot Lee Shetterly and also the Oscar-nominated film of the same name. Recently, 46 of my colleagues and I introduced the Hidden Figures Congressional Gold Medal Act, which would award Congressional Gold Medals to Katherine, Dorothy Vaughan, Mary Jackson, and Dr. Christine Darden in recognition for their contributions to NASA’s success during the space race. In 2015, President Obama awarded her the Presidential Medal of Freedom, America’s highest civilian honor.

A bronze statue in Katherine’s honor now stands on the campus of West Virginia State University. It is my hope that the students who pass it every day will be inspired to keep their passion for knowledge alive.

Every one of our female leaders in West Virginia are the epitome of strength, leadership, and advancement in their fields. They serve as inspiring role models for the next generation, and that is due in great part to the women who broke ground in generations past. Because of the accomplishments of intellectual leaders such as Katherine, more young women have and will blaze their own trails in the fields of science, math, engineering, and technology and will continue to make our State and entire Nation proud.

It is an honor to recognize Katherine’s legacy and to wish her the very best as we celebrate her 100th birthday.

TRIBUTE TO ANNE HOSIER

Mrs. MURRAY. Mr. President, as ranking member on the Senate Appropriations Subcommittee on Labor,
### TRIBUTE TO CHARLES GARLAND SCHWAB

- **Mr. DAINES.** Mr. President, I have the honor of recognizing Charles Garland Schwab, a World War II Veteran, and a man who is ever grateful to celebrate his 100th birthday on October 6, 2018.

  Charles Garland Schwab was born to homesteaders in the Big Snowy Mountains, southeast of Lewistown, MT. He grew up on that homestead, and in 1940, he married his wife Thelma.

  Charles was drafted into the U.S. Army in January of 1944. After basic training and a bout with pneumonia, he joined his fellow soldiers in France on the front lines during World War II.

  He was awarded the Bronze Medal, the American Theater Service Medal, the European, Africa, Middle East Theater Medal, a Good Conduct Medal, as well as several ribbons, including the Army Occupation Ribbon.

  Upon returning to the United States, Charles was honorably discharged from the Army on May 2, 1946. Following his discharge from the Army, Charles and his wife purchased and operated the Lake View Ski Lodge in St. Mary. During the off season, Schwab practiced his trade as an oil field pipeliner throughout Montana. He and his wife moved to Missoula in 1950, where they raised two daughters. He continued his pipeliner career and was instrumental in the process of bringing natural gas to the homes of the citizens of Missoula.

  Charles’ wife Thelma passed away after 55 years of marriage in 1995. Although Charles sold the Lake View Cabins after 20 years and is now a retired pipeliner, he continues to enjoy the company of his daughters, children, grandchildren, and friends and remains active in the community.

  One of Charles’ most treasured memories is that of the honor flight he took to Washington, DC, during the government shutdown in 2013. He will forever treasure the memories of that trip, his time at the Lincoln Memorial, and his opportunity to defend our great Nation during World War II.

### ADDITIONAL STATEMENTS

**TRIBUTE TO VETERANS OF THE 116TH COMBAT ENGINEER BATTALION**

- **Mr. CRAPO.** Mr. President, my colleague Senator Jim Risch joins me today in paying tribute to the veterans of the 116th Combat Engineer Battalion in recognition of the battalion’s 50-year grand reunion.

  In 1968, the 116th Combat Engineer Battalion deployed to Vietnam. The battalion was made up of approximately 800 Idaho National Guard soldiers from National Guard companies based in Idaho. The soldiers’ tasks included clearing and repairing roads.

  The soldiers who served in the 116th Battalion were an integral part of the war effort. They have been credited with swiftly and effectively reconstructing airfields, building bases, clearing and maintaining airfields and jungle, constructing thousands of square feet of buildings and bridges, moving critical supplies and equipment, providing access to water, and more. Their legacy of outstanding, dedicated service remains a hallmark of the battalion.

  Veterans who served in the battalion are gathering in Idaho Falls on September 14-15, 2018. As they join with their fellow veterans and family and share memories and life experiences, we thank them for their service to our Nation. We wish veterans of the 116th Combat Engineer Battalion, your families, and loved ones all the best for an enjoyable reunion and honor you for your remarkable service to our country.

- **Mr. DAINES.** Mr. President, this week I have the honor of recognizing the Winnett Lion’s Club for their impact on Petroleum County and surrounding communities.

  Over the past 3 years, the Winnett Lion’s Club has serviced rural communities through free vision health screenings. This preventative care aids in catching Amblyopia, an easily treatable disease during childhood.

  I just 3 years, the Winnett Lion’s Club has served over 9,000 children and has helped over 2,500 meals in rural communities. The Winnett Lion’s Club has served children from Head-start, Child Find programs, local public schools, colony-based schools, and business fairs. They have gone above and beyond to support the children in their surrounding communities.

  I congratulate the Winnett Lion’s Club for their dedication in serving their community and for leaving a positive impact on Petroleum County.

**REMEMBERING SHELDON S. COHEN**

- **Mr. VAN HOLLEN.** Mr. President, I wish to pay tribute to my constituent and dear friend, Sheldon S. Cohen, who passed away earlier this week. Sheldon Cohen left an extraordinary legacy of accomplishment and service to our country.

  A proud native Washingtonian and graduate of DC public schools, Sheldon was a World War II Navy veteran. One of the world’s leading tax attorneys, he served as chief counsel and then Commissioner of the IRS under President Lyndon B. Johnson, becoming the youngest person to hold that position.

  Among his countless other accomplishments was his creation of the first Presidential blind trust. Currently, the 1978 Ethics in Government Act made blind trusts the preferred vehicle for public officials who do not want to dispose of holdings that raise potential conflicts. In addition, he was instrumental in helping to computerize the IRS and in drafting an overhaul of the Federal Income Tax Code. Following his government service, he had an extensive career in private practice, including founding the law firm of Cohen & Uretz. He served as general counsel to the Democratic National Committee and helped settle a civil case stemming from the break-in of DNC offices at the Watergate office complex by Nixon campaign operatives.

  Sheldon Cohen’s work was influential in accomplishing as well. He advised many countries on their tax systems, was a founder of the Inter-American Center of Tax Administrations, and was a senior fellow of the National Academy of Public Administration. He participated on UN Special Missions to developing countries and advised leading tax systems, including meeting with Nelson Mandela. He vetted the tax returns of numerous Democratic Presidential and
Vice Presidential candidates, set up the Presidential Commission on Debates as a nonprofit organization, was a frequent author and speaker on tax policy and ethics, and often testified on Capitol Hill. He taught at his alma mater, George Washington University Law School, from which he graduated first in his class, and at Howard and Miami law schools.

Sheldon Cohen was deeply involved in the community and held numerous leadership roles. These included serving as president of the Jewish Social Service Agency, president of the Order of the Leaf of Camp Airy, chair of the American Jewish Historical Society, trustee and chair of the GW board of trustees, founder and trustee of the United Jewish Endowment Fund, founding member and treasurer of the Supreme Court Historical Society, and trustee of the Jewish Theological Seminary and Adas Israel Congregation.

Sheldon Cohen was a decent, compassionate man, known for his high standards of integrity, his brilliant mind, his concern for those in need, and his devotion to his family and friends. I knew Sheldon Cohen well and will miss his friendship and wise counsel, as I do that of his wonderful and beloved wife Faye, who left us earlier this year. Their partnership and warm hospitality were known throughout our community and will always be remembered by the many friends and activists with whom they teamed up in support of important causes.

I ask my colleagues to join me in paying tribute to this fine man and in sending condolences to his family, including his children Melinda and her husband Alberto Goetzl, Laura and her husband Perry Apelbaum, Jonathan and his wife Joanne, and Sharon and her husband Michael Liebman; his 10 grandchildren; his brother Gerald Cohen and his wife Joanne; and his sister Barbara and her husband Dick Wolf.

TRIBUTE TO THE FOGARTY FAMILY

Mr. WHITEHOUSE. Mr. President, the swearing in of the Rhode Island Legislature early next year will close a remarkable story of a great Rhode Island family. State Senator Paul Fogarty is retiring after 20 years in office. The Fogarty family of northern Rhode Island will have represented nearly 80 years of public service.

Paul was elected in 1998 to fill the State senate seat that was previously held by his brother, Charles Fogarty, Jr. A master plumber by trade, Paul rose to become the chairman of the senate labor committee. Like his brother Charlie, Paul had served on the Glocester, RI, town council before serving in the legislature.

Charlie Fogarty got his start in State government working as an aide to Governor Joe Garrahy in the late 1970s. While a State senator, he served as both majority whip and senate president pro tempore. He was elected Lieutenant Governor twice, in 1998 and in 2002. He is remembered for starting a Christmastime tradition, Operation Holiday Cheer, which delivers care packages of Rhode Island mementos to service members overseas.

In 2006, Charlie won the Democratic nomination for Governor, narrowly losing to the incumbent. He returned to government a few years later to run the State department of labor and training, where he worked on unemployment reform. In 2015, Governor Gina Raimondo appointed Charlie director of the Rhode Island Department of Elderly Affairs. Under his leadership, the State expanded support for Meals on Wheels, and he played an important role in the State’s successful repeal of the tax that seniors paid on their Social Security benefits.

Charlie retired earlier this year, after four decades of service to the people of Rhode Island.

Paul and Charlie’s cousins shared the public service gene. Ray Fogarty was a State representative from Glocester for 10 years. He would go on to find and lead the Rhode Island Export Assistance Center at Bryant University’s John H. Chafee Center for International Business.

Ray’s brother Edward Fogarty was an accomplished lawyer, with whom I worked in the State house. He worked as an arbitrator in the Rhode Island Superior Court and clerked in the U.S. District Court for the District of Rhode Island. However, Ed will best be remembered for his work serving as legal counsel to the speaker of the Rhode Island House of Representatives, to the senate majority leader, and later to the senate president. Ed retired in 2013 and sadly passed away in 2017.

Charlie Fogarty credited his parents with teaching him that “public service was a public trust.” Indeed, he and his brother followed in their father’s footsteps. Charles Fogarty, Sr., had been a State senator from Glocester before them and served for a time as director of the Rhode Island Small Business Administration.

Paul and Charlie’s uncle was Congressman John Fogarty, who represented Rhode Island in the U.S. House of Representatives for more than a quarter century. John was a bricklayer and president of Rhode Island’s Bricklayers Union local No. 1 before being elected to Congress at age 27. From his post on the Appropriations Subcommittee for Labor and Health, Education, and Welfare, Mr. Public Health, as he became known, championed the expansion of health research in the United States. During his tenure, the National Institutes of Health grew from a small agency with only three named institutes—for cancer, heart, and dental research—to a larger and more sophisticated operation with more than 27 institutes and more federal health research than Representative Fogarty.” In Rhode Island, no fewer than five health and educational facilities have been dedicated in John Fogarty’s name.

The deep commitment of the Fogarty family to the public welfare, instilled across generations, has been borne out in countless ways. Paul’s son Brendan Fogarty even worked as a State senate page during high school and college.

Our State and our Nation are all the richer for their passion and dedication to public life. Rhode Islanders are grateful for the lasting legacy of the Fogartys of Glocester.

75TH ANNIVERSARY OF STAR FINANCIAL BANK

Mr. YOUNG. Mr. President, as a member of the Committee on Small Business and Entrepreneurship, I am proud to recognize the Marcuccilli family for the 75th anniversary of an Indiana-based community bank, STAR Financial Bank. Since its founding, STAR Financial has become an essential business in northeast and central Indiana. The bank has continuously prioritized putting its customers and local businesses first, while providing decades of dependable services and access to its staff.

Established by a group of trucking partners from the Marion Trucking Company in 1943, STAR Financial Bank was formed to build financial security for the Fort Wayne community. For that reason, the bank has tailored its practices to support the community and local families. Generally, STAR Financial focuses on three key areas involving arts, education, and economic development. In 2017, the company donated more than $289,000 to Indiana nonprofits, as well as volunteered 3,600 hours of community service valuing over $97,128. Some of the nonprofits include the Fort Wayne Museum of Art, the Fort Wayne Children’s Choir, The Children’s Museum of Indianapolis, PBS 39, Big Brothers Big Sisters Northeast Indiana, Brightpoint, and many United Way chapters.

It is my privilege to honor STAR Financial Bank for 75 years serving the Fort Wayne community. I look forward to STAR Financial Bank’s future endeavors, and I congratulate the Marcuccilli family on this significant milestone.
MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

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

MESSAGES FROM THE HOUSE
At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4318. An act to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes.

H.R. 4969. An act to improve the design and construction of diplomatic posts, and for other purposes.

H.R. 5274. An act to promote international exchanges on best election practices, cultivate more secure democratic institutions around the world, and for other purposes.

H.R. 5576. An act to address state-sponsored cyber activities against the United States, and for other purposes.

ENROLLED BILLS SIGNED
At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5385. An act to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs, and for other purposes.


The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

ENROLLED BILL SIGNED
At 1:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4318. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 4:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6147) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and that the following Members be the managers of the conference on the part of the House: Messrs. Fleming-Huysen, Aderholt, Simpson, Calvert, Cole, Diaz-Balart, Graves of Georgia, Young of Iowa, Rutherford, Mrs. Lowey, Messrs. Price of North Carolina, Bishop of Georgia, Ms. McCollum, Mr. Quigley, and Ms. Pingree.

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

H.R. 1635. An act to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes.

H.R. 1838. An act to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 4606. An act to provide that applications under the Natural Gas Act for the importation or exportation of small volumes of natural gas shall be granted without modification or delay.

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

H.R. 4969. An act to improve the design and construction of diplomatic posts, and for other purposes.

H.R. 5274. An act to promote international exchanges on best election practices, cultivate more secure democratic institutions around the world, and for other purposes.

H.R. 5576. An act to address state-sponsored cyber activities against the United States, and for other purposes; to the Committee on Foreign Relations.

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–6366. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act (Regulation P)" (RIN3170–AA60) received during adjournment of the Senate in the Office of the President of the Senate on September 4, 2018, to the Committee on Banking, Commerce, and Urban Affairs.

EC–6371. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule to amend the Small Bank Holding Company Policy Statement and related regulations; Changes to Reporting Requirements in the Register of Large Bank Holding Company Policy Statement and related regulations; Changes to Reporting Requirements in the Interim Final Rule to amend the Small Bank Holding Company Policy Statement" (RIN1200–AE80) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Banking, Housing, and Urban Affairs.

EC–6374. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing the construction of the Atlantic Coast Pipeline; to the Committee on Energy and Natural Resources.

EC–6375. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Cyber Security Incident Reporting Reliability Standards" (18 CFR Part 40) (Docket No. FMAC–18–0013) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Energy and Natural Resources.

EC–6376. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality National Ambient Air Quality Standards for Particulate Matter" (Docket No. EPA–HQ–OAR–2017–0557) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Energy and Natural Resources.

EC–6377. A communication from the Administrator of the Consumer Financial Protection Bureau, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Servicemembers Civil Relief Act" (RIN3090–AF01) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Banking, Commerce, and Urban Affairs.

EC–6378. A communication from the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Annual Privacy Notice Requirement Under the Gramm-Leach-Bliley Act (Regulation P)" (RIN3170–AA60) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018, to the Committee on Banking, Housing, and Urban Affairs.

EC–6379. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Interim Final Rule to amend the Small Bank Holding Company Policy Statement and related regulations; Changes to Reporting Requirements in the Register of Large Bank Holding Company Policy Statement and related regulations; Changes to Reporting Requirements in the Interim Final Rule to amend the Small Bank Holding Company Policy Statement" (RIN1200–AE80) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Banking, Housing, and Urban Affairs.
Interstate Transport Requirements for the 2008 Ozone Standard” (FRL No. 9983-11-Region 3) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018; to the Committee on Environment and Public Works.

EC-6377. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Ohio; Cleveland, PM2.5 Attainment Plan” (FRL No. 9982-96-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018; to the Committee on Environment and Public Works.

EC-6379. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Wisconsin; 2017 Revisions” (FRL No. 9982-60-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018; to the Committee on Environment and Public Works.

EC-6380. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Infrasatellite Air Quality Standards; 2012 Fine Particulate Matter National Ambient Air Quality Standard” (FRL No. 9983-07-Region 3) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018; to the Committee on Environment and Public Works.

EC-6381. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing Regulations, Kentucky; General P Update” (FRL No. 9982-47-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018; to the Committee on Environment and Public Works.

EC-6382. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Interstate Transport Progns 1 and 2 for the 2010 Sulfur Dioxide (SO2) Standard for Colorado, Montana, North Dakota, South Dakota and Wyoming” (FRL No. 9982-81-Region 8) received during adjournment of the Senate in the Office of the President of the Senate on August 30, 2018; to the Committee on Environment and Public Works.

EC-6383. A communication from the Wild- life Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2018-19 Season” (RIN1018-BB73) received in the Office of the President of the Senate on September 4, 2018; to the Committee on Environment and Public Works.

EC-6384. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Hunting; Seasons and Bag Possession Limits for Certain Migratory Game Birds” (RIN1018-BB73) received in the Office of the President of the Senate on September 4, 2018; to the Committee on Environment and Public Works.

EC-6385. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Migratory Bird Permits; Removal of Depredation Orders for Double-crested Cormorants to Protect Public Resources” (RIN1018-BC12) received in the Office of the President of the Senate on September 4, 2018; to the Committee on Environment and Public Works.

EC-6386. A communication from the Chief of the Branch of Delisting and Foreign Specie, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Species Status for Five Poceliotaria Tarantula Species from Sri Lanka” (RIN1018-BC82) received in the Office of the President of the Senate on September 4, 2018; to the Committee on Environment and Public Works.

EC-6387. A communication from the Chief of the Branch of Delisting and Foreign Specie, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; listed ‘Endangered’” (RIN1018-BC79) received in the Office of the President of the Senate on September 4, 2018; to the Committee on Environment and Public Works.

EC-6388. A communication from the President of the United States, transmitting, pursuant to law, a report to enter into a trade agreement with the Government of Mexico and potentially the Government of Canada; to the Committee on Finance.

EC-6389. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled “National Trade Agenda; 2017”; to the Committee on Finance.

EC-6390. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the designation of a group as a Foreign Terrorist Organization by the Secretary of State (OSS-2018-0449); to the Committee on Finance.

EC-6391. A communication from the Assistant Secretary for Treaty Affairs, Department of State, transmitting, pursuant to law, a report entitled “Case-Zablocki Act U.S.C. 17-139”, as amended, the report of the texts and background statements of international agreements, other than treaties (List. 2018-0147 – 2018-0156); to the Committee on Foreign Relations.

EC-6392. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report to the Armed Services Committee the Secr of the Arms Export Control Act, the certification of a proposed license for the export of technical data and defense services to the Government of Saudi Arabia for training and other advisory assistance for the Presidential Guard Command in the amount of $50,000,000 or more (Transmittal No. DPTC 17-139); to the Committee on Foreign Relations.

EC-6393. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Temporary Modification of Category XI of the Export Administration Regulations” (FRL No. 9983-09-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on September 4, 2018; to the Committee on Foreign Relations.

EC-6394. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Continued Temporary Modification of Category XI of the Export Administration Regulations” (FRL No. 9983-09-Region 5) received during adjournment of the Senate in the Office of the President of the Senate on August 29, 2018; to the Committee on Foreign Relations.

EC-6395. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementing, pursuant to law, the report of a rule entitled “Endangered and Threatened Wildlife and Plants; Endangered Species Status for Five Poceliotaria Tarantula Species from Sri Lanka” (RIN1018-BC82) received in the Office of the President of the Senate on September 4, 2018; to the Committee on Environment and Public Works.

EC-6396. A communication from the Chairman of the Council of the District of Colum- bia, transmitting, pursuant to law, a report on D.C. Act 22-413, “Golden Triangle Business Improvement District Amendment Act of 2018”; to the Committee on Homeland Security and Governmental Affairs.

EC-6397. A communication from the Chairman of the Council of the District of Colum- bia, transmitting, pursuant to law, a report on D.C. Act 22-424, “Community Violence Intervention Fund Temporary Amendment Act”; to the Committee on Homeland Secu- rity and Governmental Affairs.

EC-6398. A communication from the Chairman of the Council of the District of Colum- bia, transmitting, pursuant to law, a report on Uniform Federal Law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-6401. A communication from the Chief of Staff, Media Bureau, Federal Communica- tions Commission, transmitting, pursuant to law, the report of a rule entitled “LPTV, TV Translator, and FM Broadcast Station Reim- bursement, Expanding the Economic and In- ternational Opportunities of Spectrum Through Incentive Auctions” (MB Docket No. 18-214; FCC 18-113) received in the Office of the President of the Senate on August 28, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6402. A communication from the Asso- ciate Chief of the Auctions and Spectrum Ac- cess Division, Wireless Telecommunications Bureau, Federal Communications Com- mission, transmitting, pursuant to law, the report of a rule entitled “Auctions of Upper Microwave Flexible Licenses for Next-Generation Wireless Services” (AU Docket No. 18-099) received in the Office of the President of the Senate on August 28, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6403. A communication from the Deputy Chief, Public Safety and Homeland Secu- rity Bureau, Federal Communications Com- mission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System” (PS Docket No. 17-129) received in the Office of the President of the Senate on August 28, 2018; to the Committee on Commerce, Science, and Transportation.
EC-6428. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on a rule entitled "Establishment of Class E Airspace; Creswell, OR" ((RIN2130-AA66) (Docket No. FAA–2018–0044)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6429. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Flight Rule (SIFR) Procedures; Permeable Local Regulation; Battle of the Bridges, MD" ((RIN2130–AA00) (Docket No. USCG–2018–0738)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6430. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lower Mississippi River, New Orleans, LA" ((RIN1625–AA00) (Docket No. USCG–2018–0840)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6431. 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 0.7 to 1.0, Pittsburgh, PA" ((RIN1625–AA00) (Docket No. USCG–2018–0810)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6432. 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; Delaware River Fireworks Display, Delaware River, Philadelphia, PA" (RIN1625–AA00) (Docket No. USCG–2018–0810) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6433. 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; Upper Mississippi River, Mile Markers 751.2 to 751.8, Alma, WI" ((RIN1625–AA00) (Docket No. USCG–2018–0742)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6434. 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; Delaware River Fireworks Display, Delaware River, Philadelphia, PA" (RIN1625–AA00) (Docket No. USCG–2018–0810) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6442. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Atanoke River, Plymouth, NC" ((RIN1625–AA00) (Docket No. USCG–2018–0771)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6444. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Michigan Championship; Detroit River, Detroit, MI" ((RIN1625–AA00) (Docket No. USCG–2018–0771)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6445. 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; Ohio River, Olmstead, IL" ((RIN1625–AA00) (Docket No. USCG–2018–0741)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

EC-6446. 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 0.7 to 1.0, Pittsburgh, PA" ((RIN1625–AA00) (Docket No. USCG–2018–0810)) received in the Office of the President of the Senate on September 4, 2018, to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1768. A bill to renew and amend the National Earthquake Hazards Reduction Program, and for other purposes (Rept. No. 115–336).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*Rick A. Dearborn, of Oklahoma, to be a Director of the Amtrak Board of Directors for a term of five years.*

*Kelvin Droegemeier, of Oklahoma, to be Deputy Administrator of the National Aeronautics and Space Administration.*

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. WHITEHOUSE:

S. 3412. A bill to amend the Internal Revenue Code of 1986 to extend the employer credit for paid family and medical leave, and for other purposes; to the Committee on Finance.

By Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. WARREN, and Mr. SANDERS):


By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3414. A bill to designate the facility of the United States Postal Service located at 20 Ferry Road in Saugerties, New York as the "Capitol Matthew J. August Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. HIRONO:

S. 3415. A bill to extend, for a period of two years, the authority for operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY (for himself, Mrs. FRIST, Mr. COONS, and Mr. HATCH):

S. 3416. A bill to amend the Leahy-Smith America Invents Act to extend the period during which the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office may set or adjust certain fees; to the Committee on the Judiciary.

By Mr. MERRICK (for himself, Mr. TULLIS, Mr. WHITE, Mr. WARNER, Mr. BROWN, and Mrs. SCHAFFNER):

S. 3417. A bill to require the Secretary of Veterans Affairs to carry out a program to increase the availability of health care and hiring by the Department of Veterans Affairs of health care workers that are undergoing
separation from the Armed Forces, to create uniform credentialing standards for certain health care professionals of the Department, and for other purposes, to the Committee on Veterans’ Affairs.

By Mr. MARKNEY (for himself and Mr. BLUMENTHAL):
S. 3420. A bill to require the Food and Drug Administration to prioritize the promotional materials for drugs for serious, life-threatening diseases or conditions or substance use disorders, especially opioid drugs and drugs for maintenance treatment, in considering whether promotional materials are false or misleading; to the Committee on Health, Education, Labor, and Pensions.

By Ms. HIRONO (for herself and Mr. BOOZMAN):
S. 3421. A bill to provide for exclusive Federal jurisdiction over certain civil securities fraud actions, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. HASSAN (for himself and Mr. GARDNER):
S. 3420. A bill to require the Food and Drug Administration to prioritize the promotional materials for drugs for serious, life-threatening diseases or conditions or substance use disorders, especially opioid drugs and drugs for maintenance treatment, in considering whether promotional materials are false or misleading; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PERDUE:
S. 3421. A bill to provide for exclusive Federal jurisdiction over certain civil securities fraud actions, and for other purposes; to the Committee on Veterans’ Affairs.

By Ms. MURKOWSKI (for herself, Mr. BOOKER, Mr. RISCH, Mr. CHAPPO, Mrs. CAPITO, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MANCHIN, and Mr. COONS):
S. 3422. A bill to direct the Secretary of Energy to establish advanced nuclear goals, provide for a versatile, reactor-based, fast neutron source, make available high-assay, low-enriched uranium for research, development, and demonstration of advanced nuclear reactor concepts, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCOTT (for himself and Mr. CARSTEN):
S. 3423. A bill to revise the amounts for discretionary Federal Pell Grant funding, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY:
S. 3424. A bill to amend title 5, United States Code, to provide for an investment option under the Thrift Savings Plan that does not include investment in any fossil fuel companies; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:
S. 3425. A bill to redirect United States funding from the United Nations Relief and Works Agency for Palestine Refugees in the Near East to other entities providing assistance to Palestinians living in the West Bank, the Gaza Strip, Jordan, Syria, and Lebanon; to the Committee on Foreign Relations.

By Mr. SCHATZ (for himself and Ms. MURKOWSKI):
S. 3426. A bill to require the Secretary of Defense to establish an initiative on improving the capacity of military criminal investigative organizations to prevent child sexual exploitation, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. RUBIO (for himself, Mr. CARDIN, Mr. FLAKE, Mrs. SHAHEEN, Mr. YOUNG, Mr. MERKLEY, Mr. KENNEDY, Mrs. GILLIBRAND, Ms. COLLINS, Mr. MARKEY, Mr. JOHNSON, Mr. VAN HOLLEN, Mr. COONS, and Mr. BOOKER):
S. Res. 622. A resolution supporting renaming NATO Headquarters after the late United States Senator John McCain, III, to the Committee on Foreign Relations.

By Mr. MCCONNELL:
S. Res. 623. A resolution to constitute the majority party’s membership on certain committees for the One Hundred Fifteenth Congress, or until their successors are chosen; considered and agreed to.

By Mr. KAINE (for himself, Mr. WARNER, Mrs. CAPITO, and Mr. BOOKER):
S. Res. 624. A resolution commemorating Arthur Ashe, a native of Richmond, Virginia, on the 50th anniversary of his historic win at the 1968 U.S. Open Tennis Championship and honoring his humanitarian contributions to civil rights, education, the movement against apartheid in South Africa, and HIV/AIDS awareness; considered and agreed to.

By Mr. COONS (for himself, Mr. CAS-SIDT, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. BOOKER, Mr. MENENDEZ, Mr. TOOMEY, Mr. JONES, Mr. BLUMENTHAL, Mr. MARKEY, Mr. HARRIS, Ms. HASSAN, Mr. REED, Mr. WITTMER, Mr. MURPHY, Mr. Kaine, Mrs. MURRAY, Mr. BROWN, Mr. VAN HOLLEN, Mrs. SHAHEEN, and Mr. DONNELLY):
S. Con. Res. 45. A concurrent resolution recognizing September 11, 2018, as a “National Day of Service and Remembrance”; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 319
At the request of Ms. KLOUCHAR, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 319, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits.

S. 325
At the request of Mr. CORKER, the names of the Senator from Delaware (Mr. COONS) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 325, a bill to award a Congressional Gold Medal to Major Sergeant Rodrick “Roddie” Edmonds in recognition of his heroic actions during World War II.

S. 379
At the request of Mr. CORKER, the name of the Senator from South Dakota (Mr. BOUNDS) was added as a cosponsor of S. 379, a bill to amend title II of the Social Security Act to eliminate the five month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 497
At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 515
At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guarantees, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 548
At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 796
At the request of Ms. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 689, a bill to provide women with increased access to preventive and life-saving cancer screening.

S. 817
At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 998
At the request of Mr. DAINES, the name of the Senator from Iowa (Mrs. ERMST) was added as a cosponsor of S. 998, a bill to amend the Tariff Act of 1930 to protect personally identifiable information, and for other purposes.

S. 1503
At the request of Ms. WARREN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1739
At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan (Mr. PIRES), the Senator from Washington (Ms. CANTWELL), the Senator from Colorado (Mr. BENNET), the Senator from Montana (Mr. TESTER), the
Senator from Maryland (Mr. VAN HOUSLEN), the Senator from Florida (Mr. NELSON), the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Mr. MARKEY), the Senator from Indiana (Mr. DONNELLY), the Senator from Maryland (Mr. CARDIN), the Senator from Alabama (Mr. JONES) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S. 1730, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 2182
At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2182, a bill to direct the Attorney General to review, revise, and develop law enforcement and justice protocols again to address missing and murdered Indians, and for other purposes.

S. 2233
At the request of Mr. UDALL, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2233, a bill to protect Native children and promote public safety in Indian country.

S. 2423
At the request of Mr. SCHETZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2423, a bill to reinstate Federal Pell Grant eligibility for individuals incarcerated in Federal and State penal institutions, and for other purposes.

S. 2355
At the request of Mr. DURBEN, the name of the Senator from West Virginia (Mr. HATCH) and the Senator from California (Mrs. FEINSTEIN) were added as co-sponsors of S. 2355, a bill to amend the Controlled Substances Act to strengthen Drug Enforcement Administration discretion in setting opioid quotas.

S. 2554
At the request of Ms. COLLINS, the name of the Senator from Maine (Mr. KING) 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. 2592
At the request of Mr. LANKFORD, the names of the Senator from Utah (Mr. HATCH) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2592, a bill to protect the administration of Federal elections against cybersecurity threats.

S. 2451
At the request of Mr. BROWN, the name of the Senator from Florida (Mr. HATCH) was added as a cosponsor of S. 2451, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2906
At the request of Mr. WARREN, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 2906, a bill to make available necessary disaster assistance for families affected by major disasters, and for other purposes.

S. 2047
At the request of Mr. BOOZMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2047, a bill to improve programs and activities relating to women’s entrepreneurship and economic empowerment that are carried out by the United States Agency for International Development, and for other purposes.

S. 2980
At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 2980, a bill to amend the Internal Revenue Code of 1986 to include individuals receiving Social Security Disability Insurance benefits under the work opportunity credit, increase the work opportunity credit for vocational rehabilitation referrals, qualified SSI recipients, and qualified SSDI recipients, expand the disabled access credit, and enhance the deduction for expenditures to remove architectural and transportation barriers to the handicapped and elderly.

S. 1921
At the request of Mr. SANDERS, the name of the Senator from New York (Mr. BERNSTEIN) was added as a cosponsor of S. 1921, a bill to prohibit the use of payment of money as a condition of pretrial release in Federal criminal cases, and for other purposes.

S. 2281
At the request of Mr. ROUNDS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2281, a bill to require the appropriate Federal banking agencies to increase the risk-sensitivity of the capital treatment of certain centrally cleared exchange-listed options and derivatives, and for other purposes.

S. 2290
At the request of Mr. COTTON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2290, 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. 2986
At the request of Mr. DAINES, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2986, a bill to extend the authority of the Vietnam Veterans Memorial Fund, Inc., to establish a visitor center for the Vietnam Veterans Memorial.

S. J. RES. 63
At the request of Ms. BALDWIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. MARKEY), the Senator from Minnesota (Ms. Klobuchar), the Senator from New Mexico (Mr. Heinrich), the Senator from Virginia (Mr. Warner), the Senator from Washington (Ms. Cantwell), the Senator from Minnesota (Ms. Smith), the Senator from New Mexico (Mr. Udall), the Senator from California (Mrs. Feinstein), the Senator from Vermont (Mr. Sanders), the Senator from New Jersey (Mr. Menendez), the Senator from Illinois (Mr. Durbin), the Senator from Maryland (Mr. Cardin) and the Senator from Virginia (Mr. Kaine) were added as cosponsors of S. J. Res. 63, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Secretary of the Treasury, Secretary of Labor, and Secretary of Health and Human Services relating to “Short-Term, Limited Duration Insurance”.

S. RES. 61
At the request of Ms. STABENOW, her name was added as a cosponsor of S. Res. 61, a resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States.

S. RES. 481
At the request of Mr. HATCH, the names of the Senator from Michigan (Mr. Peters) and the Senator from Louisiana (Mr. Kennedy) were added as cosponsors of S. Res. 481, a resolution calling upon the leadership of the Government of the Democratic People’s Republic of Korea to dismantle its labor camp system, and for other purposes.

S. RES. 525
At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 525, a resolution designating September 2018 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 622—SUPPORTING RENAMING NATO HEADQUARTERS AFTER THE LATE UNITED STATES SENATOR JOHN SIDNEY MCCAIN, III

Mr. RUBIO (for himself, Mr. CARDIN, Mr. FLAKE, Mrs. SHAHEEN, Mr. YOUNG, Mr. MERKLEY, Mr. KENNEDY, Mrs. GILLIBRAND, Ms. COLLINS, Mr. MARKEL, Mr. JOHNSON, Mr. VAN HOLLEN, Mr. COONS, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 622
Whereas the late United States Senator John Sidney McCain, III, of Arizona, passed away on August 25, 2018, and in particular for his leadership on the Senate Armed Services Committee; and

Whereas Senator McCain, who was a member of the Armed Services Committee for 35 years, was a decorated war hero and a three-term United States Senator; and

Whereas Senator McCain fostered a transatlantic community that should not just survive, but thrive and continue to stand for the values that he so deeply believed in, including democracy, peace, and freedom; and

Whereas the United States of America, as the first among equals, is a partner in a transatlantic community that is vital to the security of the United States and to the world, and is a foundation for the transatlantic partnership of the NATO alliance; and

Whereas the United States Senate, as the primary chamber responsible for providing support and oversight for national defense, represents the United States of America’s dedication to the American Way of Life, the values that it stands for, and the family of democratic nations across the globe; and

Whereas Senator McCain was a tireless advocate for the United States, its values, democracy, and peace, and represented the American Way of Life, the values that it stands for, and the family of democratic nations across the globe; and

Whereas Senator McCain is a national hero whose service, courage, and leadership touched the hearts of millions of people around the world and who served the United States with honor and distinction, a hero who inspired others to live their lives with integrity, courage, and honor, a hero who exemplified the American Way of Life; and

Whereas Senator McCain was a true patriot who exemplified the American Way of Life, dedicated his life to defending American values and the American Way of Life, and represented the American Way of Life, the values that it stands for, and the family of democratic nations across the globe.

NOW, THEREFORE, BE IT RESOLVED, That the Senate—

1. Recognizes the significant impact of John McCain, III, on the American military and the American way of life, by unanimously renaming the United States Central Command Headquarters at the United States Central Command Headquarters in Tampa, Florida, the John S. McCain, III Training Site;

2. Recognizes the significant impact of John McCain, III, on the American military and the American way of life, by unanimously naming the United States Army Headquarters in Europe, at full cost and full sacrifice, in the John S. McCain, III Training Site; and

3. Recognizes the significant impact of John McCain, III, on the American military and the American way of life, by unanimously naming the United States Army Training and Doctrine Command in Fort Leavenworth, Kansas, the John S. McCain, III Training Site.

Passed and a message was sent to the House of Representatives on September 6, 2018.
the lives of millions, we should discount neither the power of our ideals nor the capacity of our democracies. In turning back the forces of tyranny and terror, and in helping to secure the vision of liberty ever to stand, we will embark on a project worthy of this grand alliance. And in doing so, we will prevail, as we have prevailed before and together.

Whereas Senator McCain, as Chairman of the Committee on Armed Services of the Senate, said during his opening statement on March 29, 2017, “The price our NATO allies paid is no less alongside us, and the sacrifice never diminished. And we must never forget that America is safer and more secure because it has allies that are willing to step up and share the burden of collective security.

Whereas Senator McCain stated on July 10, 2018, “In the face of the most complex and dangerous security environment since the end of the Cold War, we must not forget that America is safer and more secure because we work with and through our allies. Throughout the past seven decades, the United States and its NATO allies have served together, fought together, and sacrificed together for a vision of the world based on freedom, democracy, human rights and rule of law. Our enduring alliance stands as an important safeguard in preserving this world order—and it is essential to our national interests.

Whereas Member of Parliament of the United Kingdom Tom Tugendhat, Chair of the Foreign Affairs Committee in the House of Commons, advocated for NATO to rename its headquarters after Senator McCain, saying that “[f]ew argued more passionately for a shared commitment to each other’s security or understood better that we are all part of one great experiment in freedom”;

Whereas NATO has already stated that it would “carefully consider” renaming its headquarters building after Senator McCain;

Whereas NATO’s new headquarters building was inaugurated on May 25, 2017, is the political and administrative center for NATO member states to support renaming of NATO headquarters after Senator McCain; and

Whereas renaming NATO headquarters after Senator McCain would need the unanimous approval of all 29 members of NATO:

Resolved, That the Senate—

(1) recognizes as his courage and character, and as a strong supporter of NATO; and

(2) urges the President to support renaming NATO headquarters after Senator McCain and to direct appropriate officials at the Department of State and the Department of Defense to advocate for their counterparts in NATO member states to support renaming NATO headquarters after Senator McCain.

SENATE RESOLUTION 623—CONSTITUTE THE MAJORITY PARTY’S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED FIFTEENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. Res. 623

Resolved, That the following shall constitute the majority party’s membership on the following committees for the One Hundred Fifteenth Congress, or until their successors are chosen:

Committee on Armed Services: Mr. Inhofe (Chairman), Mr. Wicker, Mrs. Fischer, Mr. Cotton, Mr. Rounds, Mrs. Ernst, Mr. Tillis, Mr. Sullivan, Mr. Perdue, Mr. Cruz, Mr. Graham, Mr. Cotton, Mr. Kyl.

Committee on Homeland Security and Governmental Affairs: Mr. Johnson (Chairman), Mr. Portman, Mr. Paul, Mr. Murray, Mr. Johnson, Mr. Grassley, Mr. McConnell, Mr. Wexler, Mr. Hirono, Mr. Daines, Mr. Kyl.

Committee on Indian Affairs: Mr. Hoeven (Chairman), Mr. Barasso, Mrs. Murkowski, Mr. Lankford, Mr. Daines, Mr. Crapo, Mr. Moran, Mr. Kyl.


Mr. KAIN (for himself, Mr. WARNER, Mrs. CAPITO, and Mr. BOOKER) submitted the following resolution; which was considered and agreed to:

S. Res. 624

Whereas Arthur Ashe won the U.S. Open Tennis Championships on September 9, 1969, in the first year the tournament was open to professionals, while he was on active duty in the United States Military Academy, and later, as a West Point graduate, was assigned to West Point by the United States Army, where he eventually earned, a visa to play in the National Collegiate Association singles and doubles titles, the Australian Open title in 1970, and the Wimbledon title in 1975;

Whereas Arthur Ashe became the first black player selected to the Davis Cup team for the United States, which he later coached;

Whereas Arthur Ashe’s accomplishments on the tennis court gave him a platform to pursue social justice during a turbulent time in the civil rights era;

Whereas Arthur Ashe was arrested twice, first for protesting outside the Embassy of South Africa in Washington, D.C., and later for protesting the repatriation of Haitian refugees by the United States Government;


Whereas after suffering a heart attack in 1979 and contracting HIV/AIDS as a result of a blood transfusion, Arthur Ashe resolved to educate the people of the United States and the world about the disease and advocated for more resources to end an epidemic that disproportionately affected marginalized communities, including communities of color;

Whereas Arthur Ashe succumbed to complications from HIV/AIDS and died on February 6, 1993, leaving an African American to lie in state at the Governor’s Mansion in Richmond; and

Whereas President Bill Clinton posthumously awarded Arthur Ashe the Presidential Medal of Freedom on June 20, 1995, and the Richmond City Council voted unanimously to erect a statue on historic Monument Avenue to honor his achievements; Now, therefore, be it

Resolved, That the Senate—

(1) honors Arthur Ashe, a native of Richmond, Virginia, on the 50th anniversary of his historic win at the U.S. Open Tennis Championship; and

(2) celebrates his contributions to education, athletic scholarship, the anti-apartheid movement, and HIV/AIDS awareness;

SENATE CONCURRENT RESOLUTION 45—RECOGNIZING SEPTEMBER 11, 2018, AS A “NATIONAL DAY OF SERVICE AND REMEMBRANCE

Mr. COONS (for himself, Mr. CASSIDY, Mr. SCHUMER, Mr. GILLIHAM, Mr. BOOZMAN, Mr. MENENDEZ, Mr. TOOMEY, Mr. JONES, Mr. BLUMENTHAL, Mr. MARKEY, Ms. HARRIS, Ms. HASSAN, Mr. REED, Mr. WHITEHOUSE, Ms. WARREN,
WHEREAS, on September 11, 2001, the United States of America endured a violent terrorist attack leading to the tragic deaths and injuries of thousands of innocent United States citizens and other citizens from more than 90 different countries and territories worldwide;

WHEREAS, in response to the attacks in New York City, Washington, D.C., and Shanksville, Pennsylvania, firefighters, uniformed personnel, medical technicians, physicians, nurses, military personnel, and other first responders immediately rose to service in the heroic attempt to save the lives of those in danger;

WHEREAS, in the immediate aftermath of the attacks, thousands of recovery workers, including trades personnel, iron workers, equipment operators, and many others, joined with uniformed officers and military personnel to help search for and recover victims lost in the attacks;

WHEREAS, in the days, weeks, and months following the attacks, thousands of people in the United States and others spontaneously volunteered to be part of the rescue and recovery efforts, braving both physical and emotional hardship;

WHEREAS many first responders, rescue and recovery workers, and survivors of the attacks continue to suffer from serious medical illnesses and emotional distress related to the physical and mental trauma of the tragedy;

WHEREAS hundreds of thousands of brave men and women continue to serve every day, having answered the call to duty as members of the Armed Forces of the United States, with some having given their lives or suffered injury to defend our Nation’s security and prevent further terrorist attacks;

WHEREAS the entire Nation witnessed and endured the tragedy of September 11, 2001, and, in the immediate aftermath of the attacks, became united under a remarkable spirit of service and compassion that inspired the Nation;

WHEREAS, in the years immediately following the attacks of September 11, 2001, the Bureau of Labor Statistics documented a marked increase in volunteerism among citizens in the United States;

WHEREAS, on March 31, 2009, Congress adopted the Edward M. Kennedy Serve America Act, which, signed into law on April 21, 2009, by President Barack Obama authorized, at the request of the 9/11 community, the first time Federal recognition of September 11 as a “National Day of Service and Remembrance”;

WHEREAS, since Congress and the President provided Federal recognition of September 11 as a “National Day of Service and Remembrance”, commonly referred to today as “9/11 Day”, more than 30,000,000 people in the United States now observe the anniversary by engaging in a wide range of charitable service activities and private forms of prayer and remembrance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls upon its Members and all people of the United States to observe September 11, 2018, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4011. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2554, to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees; which was ordered to lie on the table.

SA 4012. Mr. MCCONNELL (for Mr. HATCH (for himself and Mr. HEINRICH)) proposed an amendment to the bill S. 1417, to require the Secretary of the Interior to develop a categorical exclusion for covered vegetative management activities carried out to establish or improve sage grouse and mule deer habitat for greater sage grouse and mule deer, and for other purposes; as follows:

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

TEXT OF AMENDMENTS

SA 4011. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2554, to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees; which was ordered to lie on the table.

SA 4012. Mr. MCCONNELL (for Mr. HATCH (for himself and Mr. HEINRICH)) proposed an amendment to the bill S. 1417, to require the Secretary of the Interior to develop a categorical exclusion for covered vegetative management activities carried out to establish or improve sage grouse and mule deer habitat for greater sage grouse and mule deer, and for other purposes; as follows:

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

SA 4013. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to provide for opioid use disorder prevention, recovery, and treatment, and for other purposes; which was ordered to lie on the table.

SA 4014. Mr. MCCONNELL (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 302, to provide protections for certain pharmacy providers from providing certain information to enrollees; which was ordered to lie on the table.

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

TEXT OF AMENDMENTS

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

SA 4012. Mr. MCCONNELL (for Mr. HATCH (for himself and Mr. HEINRICH)) proposed an amendment to the bill S. 1417, to require the Secretary of the Interior to develop a categorical exclusion for covered vegetative management activities carried out to establish or improve sage grouse and mule deer habitat for greater sage grouse and mule deer, and for other purposes; as follows:

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

TEXT OF AMENDMENTS

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

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TEXT OF AMENDMENTS

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.

TEXT OF AMENDMENTS

(1) calls upon its Members and all people of the United States to observe September 11, 2001, as a “National Day of Service and Remembrance”, with appropriate and personal expressions of reflection, which can include performance, or displaying the United States flag, attending memorial and remembrance services, and voluntarily engaging in community service or other charitable activities of their own choosing in honor of those who lost their lives or were injured in the attacks of September 11, 2001, and in tribute to those who rose to service to come to the aid of those in need, and in defense of our Nation; and

(2) urges all people of the United States to continue to live their lives throughout the year with the same spirit of unity, service, and compassion that was exhibited throughout the Nation following the terrorist attacks of September 11, 2001.
(v) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;
(vi) targeted use of an herbicide, subject to the conditions the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;
(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;
(viii) temporary removal of wild horses or burros from areas in which the activity is being carried out to ensure treatment objectives are met;
(ix) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary to achieve restoration treatment objectives;
(x) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or
(xi) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.
(C) EXCLUSIONS.—The term "covered vegetative management activity" does not include—
(i) any activity conducted in a wilderness area or wilderness study area; or
(ii) any activity for the construction of a permanent road or permanent trail.
(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.
(3) TEMPORARY ROAD.—The term "temporary road" means a road that is—
(A) authorized—
(i) by a contract, permit, lease, or written authorization; or
(ii) pursuant to an emergency operation;
(B) not intended to be part of the permanent transportation system of a Federal department or agency;
(C) not necessary for long-term resource management;
(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—
(I) safety;
(ii) the cost of transportation; and
(iii) impacts to land and resources; and
(E) managed to minimize—
(i) erosion; and
(ii) the introduction or spread of invasive species.

SEC. 3. IMPROVEMENT OF HABITAT FOR GREATER SAGE-GROUSE AND MULE DEER.
(a) CATEGORICAL EXCLUSION.—
(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop 1 or more categorical exclusions (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse and mule deer.
(2) ADMINISTRATION.—In developing and administering a categorical exclusion under paragraph (1), the Secretary shall—
(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(B) apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or successor regulations); in determining whether to use the categorical exclusion; and
(C) consider—
(i) the relative efficacy of landscape-scale habitat projects;
(ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and
(iii) the need for habitat restoration activities after wildfire or other natural disturbances.
(b) IMPLEMENTATION OF COVERED VEGETATIVE MANAGEMENT ACTIVITIES WITHIN THE RANGE OF GREATER SAGE-GROUSE AND MULE DEER.—If a categorical exclusion developed under subsection (a) is used to implement a covered vegetation management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetation management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.
(c) LONG-TERM MONITORING AND MAINTENANCE.—Before commencing any covered vegetation management activity that is covered by a categorical exclusion under subsection (a), the Secretary shall develop a long-term monitoring and maintenance plan, covering at least the 20-year-period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.
(d) DISPOSAL OF VEGETATIVE MATERIAL.—
Subject to applicable local restrictions, any vegetative material resulting from a covered vegetation management activity that is covered by a categorical exclusion under subsection (a) may be—
(i) used for—
(A) fuel wood; or
(B) other products; or
(ii) piled or burned, or both.
(e) TREATMENT OF TEMPORARY ROADS.—
(1) IN GENERAL.—Notwithstanding section 2(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by a categorical exclusion under subsection (a)—
(A) shall be used by the Secretary for the covered vegetation management activity for not more than 2 years; and
(B) shall be decommissioned by the Secretary not later than 3 years after the earlier of the date on which—
(I) the temporary road is no longer needed; and
(ii) the project is completed.
(2) REQUIREMENT.—A treatment under paragraph (1) shall include reestablishing native vegetative cover—
(A) as soon as practicable; but
(B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

SA 4013. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 6, to provide for opioid use disorder prevention, recovery, and treatment, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "Opioid Crisis Response Act of 2018."
(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:
Sec. 1. Short title; table of contents.
TITLE I—OPIOD CRISIS RESPONSE ACT
Sec. 101. Definitions.
Subtitle A—Reauthorization of Cures Funding
Sec. 1011. State response to the opioid abuse crisis.
Subtitle B—Research and Innovation
Sec. 1021. Categorical cooking-edge research.
Sec. 1022. Pain research.
Sec. 1023. Report on synthetic drug use.
Subtitle C—Medical Products and Controlled Substances Safety
Sec. 1301. Clarifying FDA regulation of non-addictive pain products.
Sec. 1302. Clarifying FDA packaging authorities.
Sec. 1303. Strengthening FDA and CBP coordination and capacity.
Sec. 1304. Clarifying FDA post-market authorities.
Sec. 1305. Restricting entrance of illicit drugs.
Sec. 1306. First responder training.
Sec. 1307. Disposal of controlled substances of hospice patients.
Sec. 1308. GAO study and report on hospice reversal of drug use disorder.
Sec. 1309. Delivery of a controlled substance by a pharmacy to be administered by injection or implantation.
Subtitle D—Treatment and Recovery
Sec. 1401. Comprehensive opioid recovery centers.
Sec. 1402. Program to support coordination and continuation of care for drug overdose patients.
Sec. 1403. Alternatives to opioids.
Sec. 1404. Building communities of recovery.
Sec. 1405. Peer support technical assistance center.
Sec. 1406. Medication-assisted treatment for recovery from addiction.
Sec. 1407. Grant programs.
Sec. 1408. Allowing for more flexibility with respect to medication-assisted treatment for opioid use disorder.
Sec. 1409. National recovery housing best practices.
Sec. 1410. Addressing economic and workforce impacts of the opioid crisis.
Sec. 1411. Career Act.
Sec. 1412. Pilot program to help individuals in recovery from a substance use disorder become stably housed.
Sec. 1413. Youth prevention and recovery.
Sec. 1414. Plans of safe care.
Sec. 1415. Regulations relating to special registration for telemedicine.
Sec. 1416. National Health Service Corps behavioral and mental health professionals providing obligated service in schools and other community-based settings.
Sec. 1417. Loan repayment for substance use disorder treatment providers.
Sec. 1418. Protecting moms and infants.
Sec. 1419. Early interventions for pregnant women and infants.
Sec. 1420. Report on investigations regarding parity in mental health and substance use disorder benefits.
Subtitle E—Prevention
Sec. 1501. Study on prescribing limits.
Sec. 1502. Programs for health care workforce.
Sec. 1503. Education and awareness campaigns.
Sec. 1504. Enhanced controlled substance overdoes data collection, analysis, and dissemination.
Sec. 1505. Preventing overdoes of controlled substances.
Sec. 1506. CDC surveillance and data collection for child, youth, and adult trauma.
Sec. 1507. Reauthorization of NASPERS.
Sec. 1508. Joesie’s law.
Sec. 1509. Development and dissemination of model training programs for substance use disorder patient care drug management.
Sec. 1510. Communication with families during emergencies.
Sec. 2113. Medicare Improvement Fund.
Sec. 2112. Testing of incentive payments for adoption and use of certified behavioral health providers for certain services furnished by Medicare for victims of opioid overdose.
Sec. 2111. Automatic escalation to external review under a Medicare part D drug management program for pharmacies.
Sec. 2110. Testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.
Sec. 2119. Substance C—Human Services
Subtitle B—Medicaid
Sec. 2301. Short title.
Sec. 2302. Purpose.
Sec. 2303. Amendments.
Sec. 2304. Report.
Subtitle C—Substance Abuse Prevention
Sec. 3301. Short title.
Sec. 3302. Reauthorization of the Office of National Drug Control Policy.
Sec. 3303. Reauthorization of the Drug-Free Communities Program.
Sec. 3304. Reauthorization of the National Community Anti-Drug Coalition Institute.
Sec. 3305. Reauthorization of the High-Intensity Drug Trafficking Area Program.
Sec. 3306. Reauthorization of drug court programs.
Sec. 3307. Drug court training and technical assistance.
Subtitle D—Synthetic Abuse and Labeling of Toxic Substances
Sec. 3401. Short title.
Sec. 3402. Controlled substance analogues.
Subtitle E—Opioid Quota Reform
Sec. 3501. Short title.
Sec. 3502. Strengthening considerations for DEA opioid quotas.
Subtitle F—Preventing Drug Diversion
Sec. 3601. Short title.
Sec. 3602. Improvements to prevent drug diversion.
Subtitle G—Sense of Congress
Sec. 3701. Sense of Congress.
TITLe IV—COMMERCE
Subtitle A—Fighting Opioid Abuse in Transportation
Sec. 4101. Short title.
Sec. 4102. Rail mechanical employee controlled substances and alcohol testing.
Sec. 4103. Rail yardmaster controlled substances and alcohol testing.
Sec. 4104. Department of Transportation public drug and alcohol testing database.
Sec. 4105. GAO report on Department of Transportation’s collection and use of drug and alcohol testing data.
Sec. 4106. Transportation Workplace Drug and Alcohol Testing Program; addition of fentanyl.
Sec. 4107. Status reports on hair testing guidelines.
Sec. 4109. Electronic recordkeeping.
Sec. 4110. Status reports on Commercial Driver’s License Drug and Alcohol Clearinghouse.
Subtitle B—Opioid Addiction Recovery Fraud Prevention
Sec. 4201. Short title.
Sec. 4202. Definitions.
Sec. 4203. False or misleading representations with respect to opioid treatment programs and products.
TITLe I—OPiOD CRiSIS RESPONSE ACT
SEC. 1101. DEFINITIONS.
In this title—
(1) the terms ‘‘Indian Tribe’’ and ‘‘tribal organization’’ have the meanings given the terms ‘‘Indian tribe’’ and ‘‘tribal organization’’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and
(2) the term ‘‘Secretary’’ means the Secretary of Health and Human Services, unless otherwise specified.
Subtitle A—Reauthorization of Cures Funding
SEC. 1101. STATE RESPONSE TO THE OPIOID ABUSE CRISIS
(a) In general.—Section 1003 of the 21st Century Cures Act (Public Law 114–255) is amended—
(1) in subsection (a)—
(A) by striking ‘‘the authorization of appropriations under subsection (b) to carry out the grant program described in subsection (c)’’ and inserting ‘‘subsection (b) to carry out the grant program described in subsection (b)’’; and
(B) by inserting ‘‘and Indian Tribes’’ after ‘‘States’’;
(2) by striking subsection (b);
(3) by redesigning subsections (c) through (e) as subsections (b) through (d), respectively;
(4) by redesigning subsection (f) as subsection (j); and
(5) in subsection (b), as so redesignated—
(A) in paragraph (1)—
(i) in the paragraph heading, by inserting ‘‘and Indian Tribe’’ after ‘‘STATE’’;
(ii) by striking "States for the purpose of addressing the opioid abuse crisis within such States" and inserting "States and Indian Tribes for the purpose of addressing the opioid abuse crisis within such States and Indian Tribes";

(iii) by inserting "or Indian Tribes" after "preference to States"; and

(iv) by striking during the period of the second sentence "or other Indian Tribes, as applicable";

(B) in paragraph (2)—

(i) by striking paragraph preceding subparagraph (A), by striking "to a State";

(ii) in subparagraph (A), by striking "State";

(iii) in subparagraph (C), by inserting "preventing diversion of controlled substances," after "treatment programs,"; and

(iv) in subparagraph (E), by striking "as the State or Indian Tribe determines appropriate, related to addressing the opioid abuse crisis within the State, including directing resources in accordance with local needs related to substance use disorders";

(B) in subsection (c), as so redesignated, by striking "subsection (c)" and inserting "subsection (b)";

(C) in paragraph (1), by striking "the authorization of appropriations under subsection (b)" and inserting "subsection (b)";

(D) in paragraph (1), by striking "subsection (c)" and inserting "subsection (b)";

(E) by inserting after subsection (d), as so redesignated, the following:

"(e) INDIGENOUS PEOPLES.—

(1) DEFINITION.—For purposes of this section, the term "tribe" has the meaning given the term "Indian tribe" in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 5304).

(2) APPROPRIATE MECHANISMS.—The Secretary, in consultation with Indian Tribes, shall identify and establish appropriate mechanisms for Tribes to demonstrate or report the information as required under subsections (b), (c), and (d).

(f) REPORT TO CONGRESS.—Not later than 1 year after the date on which amounts are first awarded under the Opioid Crisis Response Act of 2018, pursuant to subsection (b), and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives a report summarizing the information provided to the Secretary in reports made pursuant to subsection (c), including the purposes for which grant funds are awarded in each section and the activities of such grant recipients.

(g) TECHNICAL ASSISTANCE.—The Secretary, including through the Tribal Training and Technical Assistance Center of the Substance Abuse and Mental Health Services Administration, shall provide State agencies and Indian Tribes, as applicable, with technical assistance concerning grant application and submission procedures under this section, award management activities, and enhancing outreach and direct support to rural and underserved communities and providers in addressing the opioid crisis.

(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the grant program under subsection (b), there is authorized to be appropriated $500,000,000 for each of fiscal years 2019 through 2021, to remain available until expended.

(i) SET ASIDE.—Of the amounts made available for each fiscal year to award grants under subsection (b) for a fiscal year, 5 percent of such amount for such fiscal year shall be made available to Indian Tribes, and up to 15 percent of such amount for such fiscal year shall be made available to States with the highest age-adjusted rate of drug overdose death based on the ordinal ranking of States according to the Director of the Centers for Disease Control and Prevention:

(b) CONFORMING AMENDMENT.—Section 1004(c) of the 21st Century Cures Act (Public Law 114–255) is amended by striking "--", the FDA Innovation Account, or the Account For the State Response to the Opioid Abuse Crisis" and inserting "or the FDA Innovation Account."
to treat pain, the manner in which endpoints and evaluations of efficacy will be applied across and within review divisions, taking into consideration the etiology of the underlining disease in the manner in which sponsors may use surrogate endpoints, intermediate endpoints, and real world evidence; (3) the manner in which the Food and Drug Administration uses evidence to support the inclusion of opioid sparing data in the labeling of non-addictive medical products intended to treat pain, including—(A) the manner in which the Food and Drug Administration considers misuse and abuse of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in making the risk benefit assessment under paragraphs (2) and (4) of subsection (d) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and in finding that a drug is unsafe under paragraph (1) or (2) of subsection (e) of such section. (C) definitions.—In this section— (1) the term medical product means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)), biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), or device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))); and (2) the term opioid sparing means reducing, replacing, or avoiding the use of opioids or other opioids.
into the United States of any drug or controlled substance (as defined in section 102 of the Controlled Substances Act); 

(2) the person has engaged in a pattern of importation of such a product that is regulated by the Secretary; or 

(3) in subsection (c), as so redesignated, by striking ‘‘and inserting ‘‘or a drug’’ after ‘‘food’’.

PHARMACEUTICAL INGREDIENTS.—

SEC. 1306. FIRST RESPONDER TRAINING.

Section 546 of the Public Health Service Act (42 U.S.C. 331(cc)) is amended by inserting ‘‘or a drug’’ after ‘‘food’’.

(c) IMPORTS AND EXPORTS.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended by inserting ‘‘or a drug’’ after ‘‘food’’.

SEC. 1307. DISPOSAL OF CONTROLLED SUBSTANCES OF HOSPICE PATIENTS.

(a) IN GENERAL.—Section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)) is amended by adding at the end the following:

(Safe Drug Management.

SEC. 1308. GAO STUDY AND REPORT ON HOSPICE CARE.
controlled substances in the home of an individual.

(2) CONTENTS.—In conducting the study under paragraph (1), the Comptroller General shall—

(A) an overview of challenges encountered by hospice programs regarding the disposal of controlled substances, such as opioids, in a home setting, including any key changes in policies, procedures, or best practices for the disposal of controlled substances over time; and

(B) a description of Federal requirements, including requirements under the Medicare program, for hospice programs regarding the disposal of controlled substances in a home setting and oversight of compliance with those requirements.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations, if any, for such legislation and administrative action as the Comptroller General determines appropriate.

SEC. 1309. DELIVERY OF A CONTROLLED SUBSTANCE BY A PHARMACY TO BE ADMINISTERED BY INJECTION OR IMPLANTATION.

(a) In General.—The Controlled Substances Act is amended by inserting after section 309 (21 U.S.C. 829) the following:

"DELIVERY OF A CONTROLLED SUBSTANCE BY A PHARMACY TO BE ADMINISTERED BY INJECTION OR IMPLANTATION.—

"SEC. 309A. (a) In General.—Notwithstanding section 102(10), a pharmacy may deliver a controlled substance to a practitioner in accordance with a prescription that meets the requirements of this title and the regulations issued by the Attorney General under this title, for the purpose of administering the controlled substance by the practitioner if—

"(1) the controlled substance is delivered by the pharmacy to the prescribing practitioner or the practitioner administering the controlled substance, as applicable, at the location listed on the practitioner’s certificate of registration issued under this title;

"(2) the pharmacy and the practitioner are authorized to conduct the activities specified in this section under the law of the State in which such activities take place;

"(3) the prescription is not issued to supply any practitioner with a stock of controlled substances for the purpose of general dispensing to patients;

"(5) except as provided in subsection (b), the controlled substance is to be administered only to the patient named on the prescription not later than 14 days after the date of receipt of the controlled substance by the practitioner; and

"(6) notwithstanding any exceptions under section 307, the prescribing practitioner, and the practitioner administering the controlled substance, as applicable, maintain complete and accurate records of all controlled substances delivered, received, administered, or otherwise disposed of under this section, including the persons to whom controlled substances were delivered, the date and manner of delivery, and such other information as may be required by regulations of the Attorney General.

(b) MODIFICATION OF NUMBER OF DAYS BEFORE WHICH CONTROLLED SUBSTANCE SHALL BE ADMINISTERED.—

"(1) INITIAL 2-YEAR PERIOD.—During the 2-year period beginning on the date of enactment of this section, the Attorney General, in coordination with the Secretary, may reduce the number of days described in subsection (a)(5) if the Attorney General determines that such reduction will—

"(A) reduce the risk of diversion; or

"(B) protect the public health.

"(2) MODIFICATIONS AFTER SUBMISSION OF REPORT.—After the date on which the report described in subsection (c) is submitted, the Attorney General, in coordination with the Secretary, may alter or determine any number of days described in subsection (a)(5).

(c) MINIMUM NUMBER OF DAYS.—Any modification under this subsection shall be for a period not less than 7 days.

(d) STUDY AND REPORT.—Not later than 2 years after the date of enactment of this section, the Comptroller General of the United States shall conduct a study and submit to Congress a report on access to and potential diversion of controlled substances administered by injection or implantation.

SEC. 1401. COMPREHENSIVE OPIOID RECOVERY CENTERS.

(a) IN GENERAL.—The Secretary shall award grants to eligible entities to establish or operate a comprehensive opioid recovery center (referred to in this section as a "Center"). A Center may be a single entity or an integrated delivery network.

(b) GRANT PERIOD.—

"(1) IN GENERAL.—A grant awarded under subsection (a) shall be for a period not more than 5 years.

"(2) RENEWAL.—A grant awarded under subsection (a) may be renewed, on a competitive basis, for an additional 2-year period, as determined by the Secretary. In determining whether to renew a grant under this paragraph, the Secretary shall consider the data submitted under paragraph (b).

"(c) MINIMUM NUMBER OF GRANTS.—The Secretary shall allocate the amounts made available under subsection (j) such that not fewer than 20 grants may be awarded. Not more than one grant shall be made to entities in a single State for any one period.

(d) APPLICATION.—

"(1) ELIGIBLE ENTITY.—An eligible entity is eligible for a grant under this section if the entity offers treatment and other services for individuals with substance use disorder.

"(2) SUBMISSION OF APPLICATION.—In order to be eligible for a grant under subsection (a), an eligible entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

"(A) evidence that such entity carries out, or is capable of coordinating with other entities to carry out, the activities described in subsection (g); and

"(B) such other information as the Secretary may require.

"(e) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities located in a State or Indian Tribe with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Centers for Disease Control and Prevention.

(f) PREFERENCE.—In awarding grants under subsection (a), the Secretary may give preference to eligible entities utilizing technology-enabled collaborative learning and capacity building models, including such models that are defined in any expanding capacity building models described in subsection (f)(1).

(1) TREATMENT AND RECOVERY SERVICES.—Each Center shall—

"(A) ensure that intake and evaluations are individualized; and significant recovery, as defined by the Assistant Secretary for Mental Health and Substance Abuse Policy, that includes medication-assisted treatment, as appropriate, for patients with co-occurring substance use and mental disorders;

"(v) testing, as appropriate, for infections commonly associated with illicit drug use;

"(vi) residential rehabilitation, and outpatient and intensive outpatient programs;

"(vii) recovery housing;

"(viii) community-based and peer recovery support services;

"(ix) job training, job placement assistance, and continuing education assistance to support reintegration into the workforce;

"(x) other best practices to provide the full continuum of treatment and services, as determined by the Secretary;

"(xi) ensure that all programs covered by the Center include medication-assisted treatment, as appropriate, and do not exclude individuals receiving medication-assisted treatment from any services;

"(xii) periodically conduct patient assessments to support sustained and clinically significant recovery, as defined by the Assistant Secretary for Mental Health and Substance Use;

"(xiii) administer an onsite pharmacy and provide pharmacy support services, for purposes of caring for the patient, including—

"(B) provide the full continuum of treat-

"(C) provide the full continuum of treat-

"(D) periodically conduct patient assess-

"(E) administer an onsite pharmacy and provide pharmacy support services, for purposes of caring for the patient, including—

"(F) operate a secure, confidential, and interoperable electronic health information system.

"(G) OUTREACH.—Each Center shall carry out outreach activities to publicize the services offered through the Centers, which may include—

"(1) training and supervising outreach staff, as appropriate, to work with State and local health departments, health care providers, the Indian Health Service, State and local governments, and other Federal agencies, including the Indian Bureau of Education, institutions of higher education, State and local workforce..."
development boards, State and local community action agencies, public safety officials, first responders, Indian Tribes, child welfare agencies, as appropriate, and other community entities and the public, including patients, to identify and respond to community needs.

(B) ensuring that the entities described in subparagraph (A) are aware of the services of the Center; and

(C) disseminating and making publicly available, including through the internet, evidence-based resources that educate health care professionals and the public on opioid use disorder and other substance use disorders, including strategies for treating substance use and mental disorders.

(d) DATA REPORTING AND PROGRAM OVERSIGHT.—With respect to a grant awarded under subsection (a), not later than 90 days after the end of the first year of the grant period, and annually thereafter for the duration of the grant, the entity shall submit an evaluation report to the Secretary, including—

(1) an evaluation of the effectiveness of the comprehensive services provided by the Centers established or operated pursuant to this section;

(2) information on the population of individuals with substance use disorder who receive services from the Center, which shall include an evaluation of the effectiveness of services for treatment that may support or increase treatment engagement and recovery, reduce relapse, recidivism, and overdose; and

(B) recommendations, as appropriate, regarding ways to improve Federal programs related to substance use disorders, which may include dissemination of best practices for the treatment of substance use disorders to health care professionals.

SEC. 1402. PROGRAM TO SUPPORT COORDINATION AND CONTINUATION OF CARE FOR DRUG OVERDOSE PATIENTS.

(a) In General. The Secretary shall identify or facilitate the development of best practices for—

(1) emergency treatment of known or suspected opioid overdose;

(2) the use of recovery coaches, as appropriate, to encourage individuals who experienced a non-fatal overdose to seek treatment for substance use disorder and to support coordination and continuation of care; and

(3) coordination and continuation of care and treatment, including, as appropriate, through referrals, of individuals after an opioid overdose; and

(b) GRANT ESTABLISHMENT AND PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall make grants on a competitive basis to eligible entities for support of implementation of voluntary programs for care and treatment of individuals who experience a non-fatal overdose, as appropriate, which may include implementation of the best practices described in subsection (a).

(2) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

(A) a State alcohol or drug agency;

(B) an Indian Tribe or tribal organization; or

(C) an entity that offers treatment or other services for individuals in response to, or following, drug overdose or a drug overdose, in consultation with a State alcohol and drug agency.

(3) APPLICATION.—An eligible entity desiring a grant shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, that includes—

(A) evidence that such eligible entity carries out, or is capable of contracting and coordinating with other community entities to carry out, the activities described in paragraph (4); and

(B) evidence that such eligible entity will work with a recovery community organization to recruit, train, hire, mentor, and support replicating and fulfilling the requirements described in paragraph (4)(A); and

(4) USE OF GRANT FUNDS.—An eligible entity awarded a grant under this section shall use such grant funds to—

(A) hire or utilize recovery coaches to help support recovery, including by—

(i) connecting patients to a continuum of care services; (ii) treatment and recovery support programs; (iii) programs that provide non-clinical recovery support services; (IV) peer support networks; (V) recovery community organizations; (VI) health care providers, including physicians and other providers of behavioral health and primary care; (VII) education and training providers; (VIII) employers; and (IX) child welfare agencies; (ii) providing education on overdose prevention and overdose reversal to patients and families as appropriate; (iii) providing follow-up services for patients after an overdose to ensure continued recovery and connection to support services; (IV) collecting and evaluating outcome data for patients receiving recovery coaching services; and (V) providing other services the Secretary determines necessary to help ensure continued connection with recovery support services, including culturally appropriate services, as applicable; and

(2) establish policies and procedures, pursuant to Federal and State law, that address the provision of overdose reversal medication, the administration of all drugs approved by the Food and Drug Administration to treat substance use disorder, and subsequent continuation of, or referral to, evidence-based treatment for patients with a substance use disorder who have experienced a non-fatal drug overdose, in order to support long-term treatment, prevent relapse, and reduce recidivism and future overdose; and

(C) establish integrated models of care for individuals who have experienced a non-fatal drug overdose which meet assessment, follow up, and transportation to and from treatment facilities.

(5) ADDITIONAL PERMISSIBLE USES.—In addition to the uses described in paragraph (4), a grant awarded under this section may be used directly or through contractual arrangements, to provide—

(A) treatment and recovery services organized by the Food and Drug Administration to treat substance use disorders, pursuant to Federal and State law; and

(B) withdrawal and detoxification services that include patient evaluation, stabilization, and preparation for treatment of substance use disorder, including treatment described in subparagraph (A), as appropriate; or

(C) mental health services provided by a program counselor, social worker, therapist, or other certified professional who is licensed, certified, or qualified through training, or experience to assess the psychosocial background of patients, to contribute to the appropriate treatment plan for patients with substance use disorder, and to monitor patient progress.

(6) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to eligible entities that meet any or all of the following criteria:

(A) The eligible entity is a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395(mm)(1)), a local volume hospital (as defined in section 1886(d)(12)(C)(i) of such Act (42 U.S.C. 1395ww(d)(12)(C)(i)), or a sole community hospital (as defined in section 1886(d)(5)(D)(ii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(ii))).

(B) The eligible entity is located in a State, or under the jurisdiction of an Indian Tribe, with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention.

(C) The eligible entity demonstrates that recovery coaches will be placed in both health care settings and community settings.

(7) PERIOD OF GRANT.—A grant awarded to an eligible entity under this section shall be for a period of not less than 4 years.

(c) DEFINITIONS.—In this section:

(1) RECOVERY COACH.—the term ‘recovery coach’ means an individual—

(A) with knowledge of, or experience with, recovery from a substance use disorder; and

(B) who has completed training from, and is determined to be in good standing by, a recovery services organization capable of conducting such training and making such determination.

(2) RECOVERY COMMUNITY ORGANIZATION.—The term ‘recovery community organization’ has the meaning given such term in section 54(a) of the Public Health Service Act (42 U.S.C. 294e-6).—

(A) STATE AND LOCAL GOVERNMENT AGENCIES.—The term ‘State alcohol and drug agency’ means the principal agency of a State that is responsible for carrying out the block grant for prevention and treatment of substance abuse under subpart II of part B of title IX of the Public Health Service Act (42 U.S.C. 300x–21 et seq).

(b) REPORTING REQUIREMENTS.—

(1) REPORTS BY GRANTEES.—Each eligible entity awarded a grant under this section...
shall submit to the Secretary an annual report for each year for which the entity has received such grant that includes information on—
(A) the number of individuals treated by the entity for non-fatal overdoses, including the number of non-fatal overdoses where overdose reversal medication was administered;
(B) the number of individuals administered medication-assisted treatment by the entity;
(C) the number of individuals referred by the entity to other treatment facilities after a non-fatal overdose, the types of such other facilities, and the number of such individuals admitted to such other facilities pursuant to such referrals; and
(D) the frequency and number of patients with reoccurrences, including readmissions for non-fatal overdoses and evidence of relapse related to substance use disorder.

(2) REPORT BY SECRETARY.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of the effectiveness of the grant program carried out under this section with respect to long term outcomes of the population of individuals who have experienced a drug overdose, the percentage of patients treated or referred to treatment by grantees, and the frequency of patients who experienced relapse, were readmitted for treatment, or experienced another overdose.

(3) PRIVACY.—The requirements of this section, with respect to data collection and program oversight, shall be subject to all applicable Federal and State privacy laws.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 1405. PEER SUPPORT TECHNICAL ASSISTANCE CENTER.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Abuse, shall establish or operate a National Peer-Run Training and Technical Assistance Center for Addiction Recovery Support (referred to in this section as the “Center”).

(b) FUNCTIONS.—The Center established under subsection (a) shall provide technical assistance and support to recovery community organizations and peer support networks, including such assistance and support related to—
(1) training on identifying—
(A) signs of substance use disorder;
(B) resources to assist individuals with a substance use disorder, or resources for families of an individual with a substance use disorder; and
(C) best practices for the delivery of recovery support services;
(2) the provision of translation services, interpretation, or other such services for clients with limited English speaking proficiency;
(3) the collection to support research, including for translational research;
(4) capacity building; and
(5) evaluation and improvement, as necessary, of the effectiveness of services provided by recovery community organizations (as defined in section 547 of the Public Health Service Act).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 1406. MEDICATION-ASSISTED TREATMENT FOR RECOVERY FROM ADDICTION.

(a) WAIVERS FOR MAINTENANCE TREATMENT.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Abuse, shall make available to a State a waiver under section 823(g)(2)(G)(ii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(ii)) to establish a State opioid access program (referred to in this section as a “State program”) to provide medication-assisted treatment for recovery from addiction.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 2019 through 2023 to carry out this section.
SEC. 1408. ALLOWING FOR MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS.

Subclause (II) of section 303(g)(2)(B)(i) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(B)(i)) is amended to read as follows:

''(II) The applicable number is—

(1) 100 if, not sooner than 1 year after the date on which the practitioner submits the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients; or

(bb) 275 if the practitioner meets the requirements specified in section 8.610 of title 42, Code of Federal Regulations (or successor regulations).''

SEC. 1409. NATIONAL RECOVERY HOUSING BEST PRACTICES.

(a) BEST PRACTICES FOR OPERATING RECOVERY HOUSING.—

(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities described in paragraph (2), shall identify or facilitate the development of best practices, which may include model laws for implementing suggested minimum standards, for operating recovery housing.

(2) RESEARCH.—In carrying out the activities described in paragraph (1) the Secretary shall consult with, as appropriate—

(A) relevant divisions of the Department of Health and Human Services, including the Substance Abuse and Mental Health Services Administration, the Office of Inspector General, the Indian Health Service, and the Centers for Medicare & Medicaid Services;

(B) the Secretary of Housing and Urban Development;

(C) directors or commissioners, as applicable, of State health departments, tribal health departments, State Medicaid programs, and State insurance agencies;

(D) representatives of health insurance issuers;

(E) national accrediting entities and reputable providers of, and analysts of, recovery housing services, including Indian Tribes, tribal organizations, and tribally designated housing entities that provide recovery housing services, as applicable;

(F) individuals with a history of substance use disorder; and

(G) other stakeholders identified by the Secretary.

(b) IDENTIFICATION OF FRAUDULENT RECOVERY HOUSING.—

(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities described in paragraph (2), shall identify or facilitate the development of common indicators that could be used to identify potentially fraudulent recovery housing operators.

(2) CONSULTATION.—In carrying out the activities described in paragraph (1), the Secretary shall consult with, as appropriate—

(A) relevant divisions of the Department of Health and Human Services, including the Substance Abuse and Mental Health Services Administration, the Office of Inspector General, the Indian Health Service, and the Centers for Medicare & Medicaid Services;

(B) the Attorney General;

(C) the Secretary of Housing and Urban Development;

(D) directors or commissioners, as applicable, of State health departments, tribal health departments, State Medicaid programs, and State insurance agencies;

(E) representatives of health insurance issuers;

(F) national accrediting entities and reputable providers of, and analysts of, recovery housing services, including Indian Tribes, tribal organizations, and tribally designated housing entities that provide recovery housing services, as applicable;

(G) individuals with a history of substance use disorder; and

(H) other stakeholders identified by the Secretary.

(c) TECHNICAL AMENDMENT.—Section 102(24) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102) is amended by—

(1) inserting the following clause after clause (F) of such section:

''(G) the Attorney General;''

(2) by striking ''Secretary'' each place it appears in clause (F) of such section and substituting ''Secretary with the authority to require'' for such term; and

(3) inserting the following clause after clause (F) of such section:

''(G) the Indian Health Service;''

(d) REQUIREMENTS.—In carrying out the activities described in subsection (e)(3), the Secretary shall—

(1) protect and connection to services that promote sustained recovery from substance use disorders; and

(2) the term ‘tribally designated housing entity’ has the meaning given such term in section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163).

SEC. 1410. ADDRESSING ECONOMIC AND WORKFORCE IMPACTS OF THE OPIOID CRISIS.

(a) DEFINITIONS.—Except as otherwise expressly provided in this section:—

(1) WIOA DEFINITIONS.—The terms ‘core program’, ‘individual with a barrier to employment’, ‘local area’, ‘local board’, ‘operator’, ‘outlying area’, ‘State’, ‘State board’, and ‘supportive services’ have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) EDUCATION PROVIDER.—The term ‘education provider’ means—

(A) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) a postsecondary vocational institution, as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(3) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

(A) a State workforce agency;

(B) an outlying area; or

(C) a Tribal entity.

(4) PARTICIPATING PARTNERSHIP.—The term ‘participating partnership’ means a partnership—

(A) evidenced by a written contract or agreement; and

(B) including, as members of the partnership, a local board receiving a subgrant under subsection (d) and 1 or more of the following:

(i) The eligible entity.

(ii) A treatment provider.

(iii) An employer or industry organization.

(iv) An education provider.

(v) A legal service or law enforcement organization.

(vi) A faith-based or community-based organization.

(vii) Other State or local agencies, including counties or local governments.

(viii) Other organizations, as determined by the Secretary.

(ix) Indian Tribes or tribal organizations.

(5) PROGRAM PARTICIPANT.—The term ‘program participant’ means an individual who—

(A) is a member of a population of workers described in subsection (e)(2) that is served by a participating partnership through the pilot program under this section; and

(B) enrolls with the applicable participating partnership to receive any of the services described in subsection (e)(3).

(6) PROVIDER OF PEER RECOVERY SUPPORT SERVICES.—The term ‘provider of peer recovery support services’ means a provider that delivers peer recovery support services through an organization described in section 54(a)(3) of the Public Health Service Act (42 U.S.C. 290ee–2(a)).

(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Labor.

(8) STATE WORKFORCE AGENCY.—The term ‘State workforce agency’ means the lead State agency with responsibility for the administration of a program under chapter 2 or 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3161 et seq., 3171 et seq.).

SEC. 1411. SUBSTANCE USE DISORDER.—The term ‘substance use disorder’ has the meaning given such term by the Assistant Secretary for Mental Health and Substance Use.

(1) TREATMENT PROVIDER.—The term ‘treatment provider’ means—

(A) a health care provider that—
(i) offers services for treating substance use disorders and is licensed in accordance with applicable State law to provide such services; and
(ii) is a covered provider of health insurance for such services, including coverage under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and
(B) Demonstrate—
(i) a nonprofit provider of peer recovery support services;
(ii) a community health care provider;
(iii) a Federally qualified health center (as defined in section 1386(aa) of the Social Security Act (42 U.S.C. 1395x));
(iv) an Indian health program (as defined in section 108(a)(12) of the Indian Health Care Improvement Act (Pub.L. 86–404)), including an Indian health program that serves an urban center (as defined in such section); and
(v) a Native Hawaiian health center (as defined in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 1771)).

(II) Tribal Entity.—The term ‘‘Tribal entity’’ includes any Indian Tribe, tribal organization, Indian-controlled organization serving Indians, Native Hawaiian organization, an Indian entity, as such terms are defined or used in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221).

(b) Pilot Program and Grants Authorized.—

(1) In General.—The Secretary, in consultation with the Secretary of Health and Human Services, shall carry out a pilot program to address economic and workforce impacts associated with a high rate of a substance use disorder. In carrying out the pilot program, the Secretary shall make grants, on a competitive basis, to eligible entities to enable such entities to make subgrants to local boards to address the economic and workforce impacts associated with a high rate of a substance use disorder.

(2) Grant Amounts.—The Secretary shall make each such grant in an amount that is not less than $500,000, and not more than $5,000,000, for a fiscal year.

(c) Grant Applications.—

(1) In General.—An eligible entity applying for a grant under this section shall submit an application to the Secretary at such time and in such form and manner as the Secretary may reasonably require, including the information described in this subsection.

(2) Significant Impact on Community by Opioid and Substance Use Disorder-Related Problems.—

(A) Demonstration.—An eligible entity shall include in the application—(i) information that demonstrates significant impact on the community by problems related to opioid abuse or another substance use disorder by—

(I) identifying the counties, communities, regions, or local areas that have been significantly impacted, and shall be served by the subgrant (each referred to in this section as a ‘‘service area’’); and

(II) demonstrating for each such service area, an increase equal to or greater than the national increase in such problems, between—

(aa) 1999; and

(bb) 2016 or the latest year for which data are available; and

(ii) a description of how the eligible entity will prioritize support for significantly impacted service areas described in clause (I)(i).

(B) Information.—To meet the requirements described in subparagraph (A)(ii)(I), the eligible entity may use information including—

(i) the incidence or prevalence of opioid abuse and other substance use disorders;

(ii) the age-adjusted rate of drug overdose deaths, as determined by the Director of the Centers for Disease Control and Prevention; and

(iii) the rate of non-fatal hospitalizations related to opioid abuse or other substance use disorders;

(iv) the number of arrests or convictions, or a relevant law enforcement statistic, that reasonably shows a decrease in opioid abuse or another substance use disorder; or

(v) in the case of an eligible entity described in subsection (a)(3)(C), other information that is reasonably shown to be related to opioid abuse or another substance use disorder.

(C) Support for State Strategy.—The eligible entity may include in the application information that demonstrates that services and activities are aligned with the State, oustanding area, or Tribal strategy, as applicable, for addressing problems described in subparagraph (A) in specific service areas or across the State, outstanding area, or Tribal land.

(d) Economic and Employment Conditions Demonstrate Additional Federal Support Needed.—

(A) Demonstration.—An eligible entity shall include in the application information that demonstrates that a substance use disorder has caused, or is coincident to—

(i) an economic or employment downturn in the service area; or

(ii) persistent economically depressed conditions in such service area.

(B) Information.—To meet the requirements of subparagraph (A), an eligible entity may use information including—

(i) documentation of any layoff, announced future layoff, legacy industry decline, decreased demand for services, or decreased demand for goods associated with a high rate of a substance use disorder;

(ii) data or documentation, beyond anecdotal evidence, showing that employers face challenges filling job vacancies due to a lack of skilled workers able to pass a drug test; or

(iii) any additional relevant data or information on the economic, workforce, or other aspect of the service area to support the application.

(e) Subgrant Services and Activities.—

(A) In General.—An eligible entity proposing to serve a population described in subsection (e)(2)(B), a demonstration of the workforce shortage in the professional area to be addressed under the subgrant (which may include substance use disorder treatment and related services, non-addictive pain therapy and pain management services, mental health care treatment services, emergency response services, or mental health care), which shall include information that can demonstrate such a shortage, such as—

(i) the distance between the eligible entity and the nearest community in such problems, which shall be determined by the Secretary in consultation with the Secretary of Health and Human Services; and

(ii) the age-adjusted rate of drug overdose deaths, as determined by the Director of the Centers for Disease Control and Prevention; and

(iii) the rate of non-fatal hospitalizations related to opioid abuse or another substance use disorder;

(B) Equitable Distribution.—In making subgrants under this subsection, an eligible entity may ensure, to the extent practicable, the equitable distribution of subgrants, based on—

(i) geography (such as urban and rural distribution); and

(ii) significantly impacted service areas as described in subsection (c)(2).

(C) Timing of Subgrant Funds Distribution.—An eligible entity may use information that is reasonably shown to be related to opioid abuse or another substance use disorder to local boards to receive subgrants from the eligible entity by the later of—

(i) the date that is 90 days after the date on which the Secretary makes the funds available to the eligible entity; or

(ii) the date that is 15 days after the date that the eligible entity makes the subgrant under subparagraph (A)(ii).

(D) Subgrant Application.—

(A) In General.—A local board desiring to receive a subgrant under this subsection from an eligible entity shall submit an application at such time and in such manner as the eligible entity may reasonably require, including the information described in this paragraph.

(B) Contents.—Each application described in subparagraph (A) shall include—

(i) an analysis of the expected performance of the local board in carrying out the proposed services and activities under the subgrant—

(aa) primary indicators of performance described in section 116(c)(1)(A)(I) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) that have been or will be conducted, including demographic data gathered by employers or workers surveys or through other methods;

(bb) record of the local board in serving individuals with a barrier to employment; and

(cc) the ability of the local board to establish a partnership with; and

(ii) which may include or utilize data from—

(aa) data from the National Center for Health Statistics of the Centers for Disease Control and Prevention;

(bb) data from the Center for Behavioral Health Statistics and Quality of the Substance Abuse and Mental Health Services Administration;

(cc) State vital statistics;

(dd) municipal police department records;

(ee) records from local coroners; or

(ff) other relevant data; and

(ii) in the case of a local board proposing to serve a population described in subsection (e)(2)(B), a demonstration of the workforce shortage in the professional area to be addressed under the subgrant (which may include substance use disorder treatment and related services, non-addictive pain therapy and pain management services, mental health care treatment services, emergency response services, or mental health care), which shall include information that can demonstrate such a shortage, such as—

(i) the distance between the eligible entity and the nearest community in such problems, which shall be determined by the Secretary in consultation with the Secretary of Health and Human Services; and

(ii) the age-adjusted rate of drug overdose deaths, as determined by the Director of the Centers for Disease Control and Prevention; and

(iii) the rate of non-fatal hospitalizations related to opioid abuse or another substance use disorder; and

(B) facilities or professionals offering services in the professional area; and

(ii) the maximum capacity of facilities or professionals to serve individuals in an affected community, or increases in arrests related to opioid or another substance disorder, overdose deaths, or nonfatal overdose emergencies in the community.

(E) Subgrant Services and Activities.—
(1) IN GENERAL.—Each local board that receives a subgrant under subsection (d) shall carry out the services and activities described in this subsection through a participating partnership.

(2) SELECTION OF POPULATION TO BE SERVED.—A participating partnership shall elect to provide services and activities under the subgrant to one or both of the following populations of workers:

(A) Workers, including dislocated workers, individuals with barriers to employment, new entrants in the workforce, or incumbent workers employed or underemployed, each of whom—

(i) seek to transition to professions that support individuals with a substance use disorder or at risk for developing such disorder, such as—

(I) health, mental health, addiction, or other forms of outpatient treatment that may impact a substance use disorder and co-occurring conditions; and

(ii) drug testing for a current substance use disorder provider to develop classroom instruction to complement on-the-job learning for program participants described in paragraph (2)(A) with a substance use disorder treatment and mental health services.

(B) more than 10 percent of the funds received under such subgrant shall —

(i) be used to provide services described in paragraph (3)(G) to such individuals; and

(ii) be used to support providers of peer recovery support services; (iii) be used to develop the curriculum design of a work-based learning program for program participants described in paragraph (2)(A); and

(iv) be used to provide services described in paragraph (3)(G) to such individuals.

(C) more than 10 percent of the funds received under such subgrant shall —

(i) be used for the administrative costs of the participating partnership; and

(ii) be used to provide services described in paragraphs (3)(E)(II) and (3)(F)(III) to program participants.

(D) more than 10 percent of the funds received under such subgrant shall —

(i) support the development of a local board to carry out 1 or more of the following:

(I) health, mental health, addiction, or other forms of outpatient treatment that may impact a substance use disorder and co-occurring conditions; and

(ii) drug testing for a current substance use disorder.

(ii) be used to develop the curriculum design of a work-based learning program for program participants described in paragraph (2)(A) with a substance use disorder.

(E) In any case of a participating partnership that is described in clause (i) of paragraph (2)(A) with a substance use disorder, the support needed by such employers to obtain their commitment to testing creative solutions to employing program participants and such individuals shall —

(iii) be used to support providers of peer recovery support services; and

(iv) be used to develop the curriculum design of a work-based learning program for program participants described in paragraph (2)(A) with a substance use disorder.

(F) more than 10 percent of the funds received under such subgrant shall —

(i) be used to develop the curriculum design of a work-based learning program for program participants described in paragraph (2)(A) with a substance use disorder.

(ii) be used to provide services described in paragraphs (3)(E)(II) and (3)(F)(III) to program participants.

(G) more than 10 percent of the funds received under such subgrant shall —

(i) be used to support providers of peer recovery support services; and

(ii) be used to develop the curriculum design of a work-based learning program for program participants described in paragraph (2)(A) with a substance use disorder.
requirements for local area performance reports under subsection (d) of such section 116.

(2) EVALUATION.—
(A) PROGRAM TO ENTER INTO AGREEMENTS.—The Secretary shall ensure that an independent evaluation is conducted on the pilot program carried out under this section to detect of the program's effect on employment of individuals with substance use disorders. The Secretary shall enter into an agreement with eligible entities receiving grants under this section to pay for all or part of such evaluation.

(B) METHODOLOGIES TO BE USED.—The independent evaluation required under this paragraph shall be conducted using a randomized controlled design and a random assignment or, when random assignment is not feasible, other reliable, evidence-based research methodologies that allow for the strongest possible causal inferences.

(g) FUNDING.—
(1) COVERED FISCAL YEAR.—In this subsection, the term "covered fiscal year" means any part of fiscal years 2018 through 2023.

(2) USING FUNDING FOR NATIONAL DISLOCATED WORKER GRANTS.—Subject to paragraph (4) and notwithstanding section 132(a)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(a)(2)(A), 3221 et seq.), the Secretary may use, to the extent available under this section for a covered fiscal year—

(A) funds made available to carry out section 170 of such Act (29 U.S.C. 3225) for that fiscal year;

(B) funds made available to carry out section 170 of such Act that remain available for that fiscal year; and

(C) the lowest remain available under section 172(c) of such Act (29 U.S.C. 3227(c)).

(3) AVAILABILITY OF FUNDS.—Funds appropriated under section 136(c) of such Act (29 U.S.C. 3181(c)) and made available to carry out section 170 of such Act for a fiscal year shall remain available for use under paragraph (2) for a subsequent fiscal year until expended.

(4) LIMITATION.—The Secretary may not use more than $100,000,000 of the funds described in paragraph (2) for any covered fiscal year under this section.

SEC. 1411. CAREER ACT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor, shall continue to conduct a program to support individuals in recovery from a substance use disorder transition to independent living and the workforce.

(b) FUNDS AUTHORIZED.—In carrying out the activities under this section, the Secretary shall, on a competitive basis, award grants to support programs that will—

(1) Identify gaps in the workforce due to the prevalence of substance use disorders;

(2) In coordination with state-wide employment and training activities, including coordinating, program and services, prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse, and rehabilitate, and prevent relapse.

(c) USE OF FUNDS.—
(1) IN GENERAL.—Any State that receives grants under this section may use up to 5 percent of any grant for administrative costs.

(2) RULES OF CONSTRUCTION.—
(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2019 through 2023 for assistance to States to provide individuals in recovery from a substance use disorder transition to independent housing of not more than 2 years or until the individual secures permanent housing, whichever is earlier.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—
(1) IN GENERAL.—The amounts appropriated under this subsection shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (referred to in this section as the "Secretary") not later than 60 days after the date of enactment of this Act.

(2) CRITERIA.—The funding formula required under paragraph (1) shall be based on the amounts appropriated or otherwise made available under this section are allocated to States with an age-adjusted rate of drug overdose deaths that is above the national average overdose mortality rate, according to the Centers for Disease Control and Prevention (C.D.C.). Each State shall be given a funding share to States with the greatest need, as such need is determined by the Secretary based on—

(A) the highest average rates of unemployment based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017;

(B) the lowest average labor force participation rates based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017; and

(C) the highest prevalence of opioid use disorder based on data provided by the Substance Abuse and Mental Health Services Administration for calendar years 2013 through 2017.

(3) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—
(1) IN GENERAL.—Any State that receives amounts pursuant to this section shall expend not less than 30 percent of such funds within one year of the date funds become available to the grantee for obligation.

(2) PRIORITY.—Any State that receives amounts pursuant to this section shall disburse such amounts giving priority to entities with the greatest need and ability to deliver effective assistance in a timely manner.

(3) ADMINISTRATIVE COSTS.—Any State that receives amounts pursuant to this section may use up to 5 percent of any grant for administrative costs.

(d) RULES OF CONSTRUCTION.—
(1) NO MATCH.—Except as otherwise provided by this section, amounts appropriated, or amounts otherwise made available under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required for any grant or award under this section.
regulation in connection with the obligation by the Secretary or the use of funds except for requirements related to fair housing, nondiscrimination, labor standards, and the environment. The Committee finds that a waiver is necessary to expedite or facilitate the use of such funds.

(2) Notice.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 5 business days before such exercise of authority occurs.

(3) Technical Assistance.—For the 2-year period following the date of enactment of this Act, the Secretary may use not more than $500,000 in funds made available under this section for technical assistance to grantees.

(g) State.—For purposes of this section the term “State” includes any State as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 3302) and the District of Columbia.

SEC. 14. YOUTH PREVENTION AND RECOVERY.

(a) Substance Abuse Treatment Services for Children, Adolescents, and Young Adults.—Subtitle B of the Public Health Service Act (42 U.S.C. 290b-7) is amended—

(1) in the section heading, by striking “CHILDREN AND ADOLESCENTS” and inserting “children, adolescents, and young adults”;

(2) in subsection (a)(2), by striking “children, including” and inserting “children, adolescents, and young adults, including”;

and

(3) by striking “and adolescents” each place it appears and inserting “children, adolescents, and young adults”.

(b) Technical Assistance.—The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use and, as appropriate, in consultation with the Secretary of Education, and other agencies, shall establish a resource center to provide technical support to recipients of grants under subsection (c).

(c) Youth Prevention and Recovery Initiative.—

(1) In general.—The Secretary, in consultation with the Secretary of Education, shall administer a program to provide support for communities to support the prevention of, treatment of, and recovery from, substance use disorders for children, adolescents, and young adults.

(2) Definitions.—In this subsection:

(A) Eligible entity.—The term “eligible entity” means—

(i) a local educational agency that is seeking to establish or expand substance use prevention or recovery support services at one or more high schools;

(ii) a State educational agency;

(iii) an institution of higher education (or consortia of such institutions), which may include rural educational programs at an institution of higher education;

(iv) a local board or one-stop operator;

(v) a nonprofit organization with appropriate expertise in providing services or programs for children, adolescents, or young adults, excluding a school;

(vi) a State, political subdivision of a State, Indian Tribe, or tribal organization; or

(vii) a high school or dormitory serving high school students that receives funding from an Indian Education Program.

(B) Evidence-based.—The term “evidence-based” has the meaning given such term in section 415 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(C) Foster care.—The term “foster care” has the meaning given such term in section 1355.20(a) of title 45, Code of Federal Regulations (or any successor regulations).

(D) High school.—The term “high school” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(E) Homeless youth.—The term “homeless youth” has the meaning given the term “homeless youth” in section 726 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(F) Institution of higher education.—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and includes a “postsecondary vocational institution” as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(G) Local educational agency.—The term “local educational agency” means—

(i) a local educational agency that is seeking to establish or expand substance use prevention and treatment programs, to carry out evidence-based programs for—

(A) prevention of substance misuse and abuse by children, adolescents, and young adults, which may include primary prevention;

(B) recovery support services for children, adolescents, and young adults, which may include counseling, peer mentoring, and recovery coaching; or

(C) treatment or referrals for treatment of substance use disorders, which may include the use of medication-assisted treatment, as appropriate.

(2) Treatment.—In awarding grants under this subsection, the Secretary shall give special consideration to the unique needs of tribal, urban, suburban, and rural populations.

(3) Prevention.—To be eligible for a grant under this subsection, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

(A) a description of—

(i) the impact of substance use disorders in the population that will be served by the grant program;

(ii) how the eligible entity has solicited input from relevant stakeholders, which may include faculty, teachers, staff, families, students, and experts in evidence-based prevention and treatment in developing such application;

(iii) the goals of the proposed project, including the intended outcomes; and

(iv) how the eligible entity plans to use grant funds for evidence-based activities, in accordance with this subsection to prevent, provide recovery support for, or treat substance use disorders amongst such individuals, or a combination of such activities; and

(v) how the eligible entity will collaborate with relevant partners, which may include State education agencies, institutions of higher education, juvenile justice agencies, prevention and recovery support providers, local service providers, including substance use disorder treatment programs, providers of mental health services, youth serving organizations, family and youth homeless providers, child welfare agencies, and primary care providers, in carrying out the grant program; and

(B) an assurance that the eligible entity will participate in the evaluation described in paragraph (3).

(4) Priority.—In awarding grants under this subsection, the Secretary shall give priority to eligible entities that propose to use grant funds for activities that meet the criteria described in subclauses (I) and (II) of section 8101(2)(A)(i) of the Elementary and Secondary Education Act (20 U.S.C. 7801).

(E) Grants authorized.—The Secretary, in consultation with the Secretary of Education, shall award 3-year grants, on a competitive basis, to eligible entities to enable such entities, in coordination with Indian Tribes, if applicable, and State agencies responsible for carrying out the evidence-based programs for—

(A) prevention of substance misuse and abuse by children, adolescents, and young adults, which may include primary prevention;

(B) recovery support services for children, adolescents, and young adults, which may include counseling, peer mentoring, and recovery coaching; or

(C) treatment or referrals for treatment of substance use disorders, which may include the use of medication-assisted treatment, as appropriate.
(B) a description, including relevant data, of how the grant program has made an impact on the intended outcomes described in paragraph (6)(A)(iii), including—
(i) indicators of student success, which, if the eligible entity is an educational institution, shall include student well-being and academic achievement;
(ii) substance use disorders amongst children, adolescents, and young adults, including the number of overdoses and deaths amongst children, adolescents, and young adults during the grant period; and
(iii) other indicators, as the Secretary determines appropriate.

(9) REPORT TO CONGRESS.—The Secretary shall, not later than October 1, 2022, submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives, a report summarizing the effectiveness of the grant program under this subsection, based on the information submitted in reports required under paragraph (8).

(10) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2019 through 2023.

SEC. 1414. PLANS OF SAFE CARE.

Section 305 of the Early Childhood Awareness, Safety, Permanency, and Well-Being of Infants Affected by Substance Use (Public Law 110-343, 911(a)) is amended by adding at the end the following:

“(G) GRANTS TO STATES TO IMPROVE AND COORDINATE THEIR RESPONSE TO ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF INFANTS AFFECTED BY SUBSTANCE USE.—

“(A) PROGRAM AUTHORIZED.—The Secretary shall make grants to States for the purpose of assisting child welfare agencies, social services agencies, substance use disorder treatment agencies, hospitals with labor and delivery units, public health and mental health agencies, and maternal and child health agencies to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care described in section 106(b)(2)(B)(iii).

“(B) DISTRIBUTION OF FUNDS.—

“(I) RESERVATIONS.—Of the amounts appropriated in subparagraph (B), the Secretary shall reserve—

“(ii) no more than 3 percent for the purposes described in subparagraph (G); and

“(III) $500,000; and

“(II) an amount that bears the same relationship to any funds appropriated under subparagraph (H) and remaining after application of clause (i), as the number of live births in the State in the previous calendar year bears to the number of live births in all States in such year.

“(I) the development of protocols for the administration or development of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder.

“(II) the co-occurrence of pregnancy and substance use disorder and medically supervised substance use; and

“(III) the number of infants identified, for whom a referral was made for appropriate services, as reported under section 106(d)(18);

“(IV) the challenges the State faces in developing, implementing, and monitoring plans of safe care in accordance with section 106(b)(2)(B)(iii);

“(V) the State’s lead agency for the grant program and how that agency will coordinate with other entities and programs, including the child welfare agency, the substance use disorder treatment agency, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, programs funded by the Individuals with Disabilities Education Act, the Children’s Mental Health Act, the Medicaid Health Plan, and early childhood home visiting programs under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and tribal organizations, as appropriate;

“(VI) how the State will monitor local development and implementation of plans of safe care, in accordance with section 106(b)(2)(B)(iii)(II), including how the State will monitor to ensure plans of safe care adhere to the referral and process requirements for no-fault mandatory reporting with respect to the development and implementation of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder.

“(VII) how the State meets the requirements of section 1927 of the Public Health Service Act (42 U.S.C. 300x-27);

“(VIII) how the State plans to utilize funding under title IV of the Social Security Act (42 U.S.C. 670 et seq.) to assist in carrying out any plan of safe care, including such funding authorized under section 106(b)(2)(B)(iii)(I).

“(IX) how the grantee is aligned with relevant State entities and programs as provided in section 106(b)(2)(B)(iii).

“(X) an assessment of the treatment and other services and programs available in the State, to effectively carry out any plan of safe care, including identification of needed treatment, and other services and programs to ensure the well-being of young children and their families affected by substance use disorder and medically supervised substance use withdrawal symptoms or a fetal alcohol spectrum disorder and the requirements under section 106(b)(2)(B)(iii).

“(XI) the State’s lead agency for the grant program and how that agency will coordinate with other entities and programs, including the child welfare agency, the substance use disorder treatment agency, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, programs funded by the Individuals with Disabilities Education Act, the Children’s Mental Health Act, the Medicaid Health Plan, and early childhood home visiting programs under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and tribal organizations, as appropriate;

“(XII) how the State will monitor local development and implementation of plans of safe care, in accordance with section 106(b)(2)(B)(iii)(II), including how the State will monitor to ensure plans of safe care adhere to the referral and process requirements for no-fault mandatory reporting with respect to the development and implementation of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder.

“(XIII) the State’s lead agency for the grant program and how that agency will coordinate with other entities and programs, including the child welfare agency, the substance use disorder treatment agency, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, programs funded by the Individuals with Disabilities Education Act, the Children’s Mental Health Act, the Medicaid Health Plan, and early childhood home visiting programs under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and tribal organizations, as appropriate.

“(XIV) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure.

“(XV) the State mandatory reporting laws and the referral and process requirements for notification to child protective services when child abuse or neglect reporting is not mandated.

“(XVI) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure.

“(XVII) the clinical guidance about treating substance use disorder in pregnant and postpartum women.

“(XVIII) the appropriate screening and interventions for infants affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder and the requirements under section 106(b)(2)(B)(iii).
"(V) appropriate multigenerational strategies to address the mental health needs of the parent and child together.

(iv) Establishing partnerships, agreements, or understandings between the lead agency and health professionals, health facilities, child welfare professionals, juvenile and family court judges, state and local government programs, early childhood education programs, and maternal and child health and early intervention professionals, including home services, peer-to-peer recovery programs such as parent mentoring programs, and housing agencies to facilitate the implementation of plans of safe care, on such topics as differential response, collaboration and coordination, and identification and delivery of services for different populations; and (v) supporting State efforts to develop information technology systems to manage plans of safe care; and

(iv) preparing the Secretary's report to Congress described in subparagraph (F).

"(G) RESERVATION OF FUNDS.—The Secretary shall use the amount reserved under subparagraph (B)(iv)(I) for the purposes of—

(a) providing technical assistance, including programs of in-depth technical assistance, to additional States, territories, and Indian Tribes and tribal organizations in accordance with the substance-exposed infant initiative developed by the National Center on Substance Abuse and Child Welfare; and

(b) issuing guidance on the requirements of this Act to laboratories born with or identified as being affected by substance use or withdrawal symptoms or fetal alcohol spectrum disorder, as described in clauses (i) and (ii) of section 106(h)(2)(B), including—

(i) clarifying key terms; and

(ii) disseminating best practices on implementation of plans of safe care, on such topics as differential response, collaboration and coordination, and identification and delivery of services for different populations;

(iv) preparing the Secretary's report to Congress described in subparagraph (F).

"(H) AUTHORIZATION OF APPROPRIATIONS.—To carry out the program under this paragraph, there is authorized to be appropriated $60,000,000 for each of fiscal years 2019 through 2023.

SEC. 1417. LOAN REPAYMENT FOR SUBSTANCE USE DISORDER TREATMENT PROVIDERS.

(a) LOAN REPAYMENT FOR SUBSTANCE USE DISORDER TREATMENT PROVIDERS.—The Secretary shall enter into contracts under section 338B of the Public Health Service Act (42 U.S.C. 254j) with eligible health professionals providing substance use disorder treatment services in substance use disorder treatment facilities, as defined by the Secretary.

(b) PROVISION OF SUBSTANCE USE DISORDER TREATMENT SERVICES.—In carrying out the activities described in subsection (a)—

(1) each such facility shall be located in or serving a mental health professional shortage area designated under section 332 of the Public Health Service Act (42 U.S.C. 254e), or, at the Secretary's discretion, an area with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate;

(2) section 331(a)(3)(D) of such Act (42 U.S.C. 254j(a)(3)(D)) shall apply if the term "primary health services" includes health services regarding substance use disorder treatment and infections associated with illicit drug use;

(3) section 331(a)(3)(E)(i) of such Act (42 U.S.C. 254j(a)(3)(E)(i)) shall be applied as if the term "behavioral and mental health professionals" includes physicians, substance use disorder treatment counselors, and other relevant professionals or para-professionals, as the Secretary determines appropriate; and

(4) such professionals and facilities shall provide—

(A) directly, or through the use of telehealth technology, counseling by a program counselor or other certified professional who is licensed and qualified by education, training, or experience to assess the psychological and sociological background of patients, to contribute to the appropriate treatment plan for the patient, and to monitor progress; and

(B) providing the Secretary, including, to the extent practicable, all drugs approved by the Food and Drug Administration to treat substance use disorders, pursuant to Federal and State law.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2019 and 2020.
(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress and make available to the public on the internet website of the Department of Health and Human Services a report regarding the implementation of the recommendations in the strategy relating to pregnant opioid use, including neonatal abstinence syndrome, developed pursuant to section 2 of the Protecting Our Infants Act of 2016 (Public Law 114–114). Such report shall include—

(A) an update on the implementation of the recommendations in the strategy, including information regarding the agencies involved and the extent to which they have implemented the strategy; and

(B) information on additional funding or authority the Secretary requires, if any, to implement the strategy, which may include authorities needed to coordinate implementation of such strategy across the Department of Health and Human Services.

(2) OF FISCAL UPDATES.—The Secretary shall periodically update the report under paragraph (1).

(b) RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508(s) of the Public Health Service Act (42 U.S.C. 290b–1(s)) is amended by striking “$31,954,000” and inserting “$29,931,000” for each of fiscal years 2019 through 2023.

SEC. 1419. EARLY INTERVENTIONS FOR PREGNANCY, POSTPARTUM, AND NEWBORN INFANTS.

(a) DEVELOPMENT OF EDUCATIONAL MATERIALS FOR CENTER FOR SUBSTANCE ABUSE PREVENTION.—Section 515(b) of the Public Health Service Act (42 U.S.C. 290b–1(b)) is amended—

(1) in paragraph (13), by striking “and” at the end of the paragraph;

(2) in paragraph (14), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(15) in cooperation with the Secretary, implement and disseminate, as appropriate, the recommendations in the report entitled ‘Protecting Our Infants Act: Final Strategy’ issued by the Department of Health and Human Services in 2017; and”.

(b) GUIDELINES AND RECOMMENDATIONS BY CENTER FOR SUBSTANCE ABUSE PREVENTION.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290b–2(b)) is amended—

(1) in paragraph (13), by striking “and” at the end of the paragraph;

(2) in paragraph (14), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(15) in cooperation with the Secretary, implement and disseminate, as appropriate, the recommendations in the report entitled ‘Protecting Our Infants Act: Final Strategy’ issued by the Department of Health and Human Services in 2017; and”.

(c) SUPPORT OF PARTNERSHIPS BY CENTER FOR SUBSTANCE ABUSE PREVENTION.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290b–2(b)), as amended by subsection (b), is further amended by adding at the end the following:

“(16) in cooperation with relevant stakeholders, support public-private partnerships to assure education about, and support with respect to, substance use disorder for pregnant women and health care providers who treat pregnant women and babies.”.

SEC. 1420. RESEARCH INVESTIGATIONS REGARDING PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE.—

(a) IN GENERAL.—Section 300gg–9 of the 21st Century Cures Act (Public Law 114–155) is amended—

(1) in subsection (a), by striking “with findings of any serious violation regarding” and inserting “concerning”; and

(2) in subsection (b)(1)—

(A) by inserting “complaints received and number of” before “closed”; and

(B) by inserting before the period “; and, for each agency conducting the investigation, whether any agency conducted an investigation, whether the agency conducted the investigation, whether the health plan that is the subject of the investigation is fully insured or not fully insured, and the relationship, if any, between the applicable State regulators and the Department of Labor, the Department of Health and Human Services, or the Department of the Treasury, and references to any guidance provided by the agencies addressing the category of violation committed”.

(b) APPLICABILITY.—The amendments made by this section apply to investigations conducted—

(1) by the Department of Labor; and

(2) by the Department of Health and Human Services, to the extent that the Department of Labor and the Department of Health and Human Services—

(A) have been delegated by the Secretary or the Secretary’s designee to the Secretary为此页面上的文本部分提供一个自然阅读的文本表示。
of prescriber guidelines, in accordance with State and local law; 

“(E) disseminating information to providers about prescribing options for controlled substances, including such activities under section 309(f) of the Controlled Substances Act, as applicable; and

“(F) disseminating information, as appropriate, on the Pain Management Best Practice Strategy developed by or in consultation with the Assistant Secretary for Health; and

“(4) other appropriate entities.”; and

“(2) in paragraph (2), by striking “opioid abuse” each place such term appears and inserting “opioid misuse or abuse”;“

(A) by striking “opioid abuse” each place such term appears and inserting “opioid misuse or abuse”; and

(B) in paragraph (2), by striking “safe disposal of prescription medications and other controlled substances, including such options under State and local law;” and inserting “non-addictive treatment options, safe disposal options for prescription medications, and other applicable activities.”

(B) in paragraph (2), by striking “safe disposal of prescription medications and other controlled substances, including such options under State and local law;” and inserting “non-addictive treatment options, safe disposal options for prescription medications, and other applicable activities.”

SEC. 3904. ENHANCED CONTROLLED SUBSTANCE OVERDOSES DATA COLLECTION, ANALYSIS, AND DISSEMINATION.

Part J of title III of the Public Health Service Act is amended by inserting after section 392 (42 U.S.C. 280b–1) the following:

“SEC. 392A. ENHANCED CONTROLLED SUBSTANCE OVERDOSES DATA COLLECTION, ANALYSIS, AND DISSEMINATION.

“(a) In General.—The Director of the Centers for Disease Control and Prevention, using the authority provided to the Director under section 392, may—

“(1) to the extent practicable, carry out and expand any controlled substance overdose data collection, analysis, and dissemination activity described in subsection (b);

“(2) provide training and technical assistance to States, localities, and Indian Tribes for the purpose of carrying out any such activity; and

“(3) award grants to States, localities, and Indian Tribes for the purpose of carrying out any such activity.

“(b) CONTROLLED SUBSTANCE OVERDOSES DATA COLLECTION AND ANALYSIS ACTIVITIES.—A controlled substance overdose data collection, analysis, and dissemination activity described in this subsection is any of the following activities:

“(1) Improving the timeliness of reporting aggregate data to the public, including data on fatal and nonfatal controlled substance overdoses;

“(2) Enhancing the comprehensiveness of controlled substance overdose data by collecting information on such overdoses from appropriate sources such as toxicology reports, autopsy reports, death scene investigations, and emergency department services;

“(3) Modernizing the system for coding causes of death related to controlled substance overdoses to use an electronic-based system;

“(4) Using data to help identify risk factors associated with controlled substance overdoses, including the delivery of certain health care services;

“(5) Supporting entities involved in reporting information on controlled substance overdoses, such as coroners and medical examiners, to improve accurate testing and standardized reporting of causes and contributing factors of such overdoses, and analysis of various opioid analogues to controlled substance overdoses;

“(6) Working to enable and encourage the access, exchange, and use of data regarding controlled substances overdoses among data sources involved; and

“(c) DEFINITIONS.—In this section—

“(1) the term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act; and

“(2) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act.”.

SEC. 1505. PREVENTING OVERDOSES OF CONTROLLED SUBSTANCES.

Part J and subsection 3 of the Public Health Service Act (42 U.S.C. 280b et seq.), as amended by section 504, is further amended by inserting after section 392A the following:

“SEC. 392B. PREVENTING OVERDOSES OF CONTROLLED SUBSTANCES.

“(a) PREVENTION ACTIVITIES.—

“(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention (referred to in this section as the ‘Director’) may, in cooperation with the States, collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, and other relevant public health surveys.

“(E) enhancing interoperability between the program and any health information technology (including certified health information technology), including by integrating pre- and post-dispensing practices relating to such substances;

“(D) encouraging the analysis of prescription drug dispensing trends for purposes of informing the prescription drug monitoring program by the Director to such State, local, or tribal health agency, and the Medicare program, pharmacy benefit managers, coroners’ reports, and workers’ compensation data;

“(C) using data to help identify risk factors associated with controlled substance overdoses, including the delivery of certain health care services;

“(B) providing training and technical assistance to States, localities, and Indian Tribes to carry out any such activity; and

“(C) award grants to States, localities, and Indian Tribes for the purpose of carrying out any such activity.

“(2) PREVENTION ACTIVITIES.—A prevention activity described in this paragraph is an activity to carry out any such activity:

“(a) C ONTROLLED SUBSTANCE OVERDOSES DATA COLLECTION, ANALYSIS, AND DISSEMINATION.

“(1) the term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act; and

“(2) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act.

“(b) ADDITIONAL GRANTS.—The Director may award grants to States, localities, and Indian Tribes for the purpose of carrying out any such activity.

“(c) RESEARCH.—The Director, in coordination with the Assistant Secretary for Mental Health and Substance Use and the National Mental Health and Substance Use Policy Laboratory established under section 501A, as appropriate and applicable, may conduct studies and evaluations to address substance use disorders, including changes in patterns of controlled substance use; and

“(d) PUBLIC AND PRESCRIBER EDUCATION.—

“(1) the term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act; and

“(2) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(a) DATA COLLECTION.—The Director of the Centers for Disease Control and Prevention, may, in cooperation with the States, collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, and other relevant public health surveys.

“(b) TIMING.—The collection of data under subsection (a) may occur in fiscal year 2019 and every 2 years thereafter.

“(c) DATA FROM RURAL AREAS.—The Director shall encourage each State that participates in collecting and reporting data under subsection (a) to collect and report data from tribal and rural areas within such State, in order to generate a statistically reliable representation of such areas.

“(d) DATA FROM TRIBAL AREAS.—The Director may, in cooperation with Indian Tribes and pursuant to a written request from an Indian Tribe, provide technical assistance to such Indian Tribe to collect and report data from tribal and rural areas within such State, in order to generate a statistically reliable representation of such areas.

“SEC. 1506. CDC SURVEILLANCE AND DATA COLLECTION FOR CHILD, YOUTH, AND ADULT PREVENTION.

“(a) DATA COLLECTION.—The Director of the Centers for Disease Control and Prevention (referred to in this section as the ‘Director’) may, in cooperation with the States, collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, and other relevant public health surveys.

“(b) TIMING.—The collection of data under subsection (a) may occur in fiscal year 2019 and every 2 years thereafter.

“(c) DATA FROM RURAL AREAS.—The Director shall encourage each State that participates in collecting and reporting data under subsection (a) to collect and report data from tribal and rural areas within such State, in order to generate a statistically reliable representation of such areas.

“(d) DATA FROM TRIBAL AREAS.—The Director may, in cooperation with Indian Tribes and pursuant to a written request from an Indian Tribe, provide technical assistance to such Indian Tribe to collect and report data from tribal and rural areas within such State, in order to generate a statistically reliable representation of such areas.

“(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated such sums as may be necessary for the period of fiscal years 2019 through 2021.

“SEC. 1507. REAUTHORIZATION OF NASPER.

Section 399j of the Public Health Service Act (42 U.C.S. 280c–3) is amended—

“(1) in subsection (a)—

“(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ‘in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration and Director of the Centers

“(B) the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act.”.
for Disease Control and Prevention and inserting—
"in coordination with the Director of the Centers for Disease Control and the heads of other departments and agencies as appropriate.’’

(B) by adding at the end the following:

‘‘(4) STATES AND LOCAL GOVERNMENTS.—

‘‘(A) IN GENERAL.—In the case of a State that does not operate a prescription drug monitoring program, a county or other unit of local government within the State that has a prescription drug monitoring program shall—

(1) periodically review and update the program and materials described in paragraphs (1) and (2) of subsection (a) and address the best possible integrated care;

(2) address the circumstances under which disclosure of substance use disorder patient records is needed to—

(A) facilitate communication between substance use disorder treatment providers and other health care providers to promote and provide the best possible integrated care;

(B) avoid inappropriate prescribing that can lead to dangerous drug interactions, overdose, or relapse; and

(C) provide appropriate and in compliance with applicable Federal and State laws and regulations.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medication is prescribed for a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient’s opioid use disorder history in a manner that potentially lessens medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient’s opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, having access to information in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

SEC. 1508. JESSIE’S LAW.

(a) INITIAL PROGRAMS AND MATERIALS.—

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate stakeholders, shall—

(1) periodically review and update the program and materials described in paragraphs (1) and (2) of subsection (a) and address the best possible integrated care;

(2) address the circumstances under which disclosure of substance use disorder patient records is needed to—

(A) facilitate communication between substance use disorder treatment providers and other health care providers to promote and provide the best possible integrated care;

(B) avoid inappropriate prescribing that can lead to dangerous drug interactions, overdose, or relapse; and

(C) provide appropriate and in compliance with applicable Federal and State laws and regulations.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medication is prescribed for a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient’s opioid use disorder history in a manner that potentially lessens medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient’s opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, having access to information in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

SEC. 1509. DEVELOPMENT AND DISSEMINATION OF MODEL PROGRAMS FOR SUBSTANCE USE DISORDER PATIENT RECORDS.

(a) INITIAL PROGRAMS AND MATERIALS.—

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate stakeholders, shall—

(1) periodically review and update the program and materials described in paragraphs (1) and (2) of subsection (a) and address the best possible integrated care;

(2) address the circumstances under which disclosure of substance use disorder patient records is needed to—

(A) facilitate communication between substance use disorder treatment providers and other health care providers to promote and provide the best possible integrated care;

(B) avoid inappropriate prescribing that can lead to dangerous drug interactions, overdose, or relapse; and

(C) provide appropriate and in compliance with applicable Federal and State laws and regulations.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medication is prescribed for a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient’s opioid use disorder history in a manner that potentially lessens medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient’s opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, having access to information in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

SEC. 1511. PREGNATAL AND POSTNATAL HEALTH.

(a) INITIAL PROGRAMS AND MATERIALS.—

Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate stakeholders, shall—

(1) periodically review and update the program and materials described in paragraphs (1) and (2) of subsection (a) and address the best possible integrated care;

(2) address the circumstances under which disclosure of substance use disorder patient records is needed to—

(A) facilitate communication between substance use disorder treatment providers and other health care providers to promote and provide the best possible integrated care;

(B) avoid inappropriate prescribing that can lead to dangerous drug interactions, overdose, or relapse; and

(C) provide appropriate and in compliance with applicable Federal and State laws and regulations.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medication is prescribed for a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient’s opioid use disorder history in a manner that potentially lessens medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient’s opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, having access to information in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.
(E) by adding at the end the following:

“(5) to issue public reports on the analysis of data described in paragraph (1), including analysis of—

“(A) short-term outcomes of children affected by neonatal abstinence syndrome;

“(B) health outcomes associated with pre-natal smoking, alcohol, and substance abuse and misuse; and

“(C) relevant studies, evaluations, or information the Secretary determines to be appropriate.

(2) in subsection (b), by inserting “tribal entities,” after “local governments;”;

(3) by redesignating subsection (c) as subsection (b);

(4) by inserting after subsection (b) the following:

“(c) COORDINATING ACTIVITIES.—To carry out this section, the Secretary may—

“(1) provide technical and consultative assistance to entities receiving grants under subsection (b);

“(2) establish a pathway for data sharing between States, tribal entities, and the Centers for Disease Control and Prevention;

“(3) ensure data collection under this section is consistent with applicable State, Federal, and Tribal privacy laws; and

“(4) coordinate with the National Coordinator for Health Information Technology, as appropriate, to assist States and Tribes in implementing systems that use standards recognized by such National Coordinator, as such recognized standards are available, in order to improve interoperability between such systems and health information technology systems, including certified health information technology systems; and

“(5) in subsection (d), as so redesignated, by striking “2001 through 2005” and inserting “2019 through 2023”.

SEC. 1513. TASK FORCE TO DEVELOP BEST PRACTICES FOR TRAUMA-INFORMED IDENTIFICATION, REFERRAL, AND SUPPORT.

(a) ESTABLISHMENT.—There is established a task force to be known as the Interagency Task Force on Trauma-Informed Care (in this section referred to as the “task force”) that shall identify, evaluate, and make recommendations regarding best practices with respect to children and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The task force shall be composed of the heads of the following Federal departments and agencies, or their designees:

(A) The Centers for Medicare and Medicaid Services.

(B) The Substance Abuse and Mental Health Services Administration.

(C) The Agency for Healthcare Research and Quality.

(D) The Centers for Disease Control and Prevention.

(E) The Indian Health Service.

(F) The Department of Veterans Affairs.

(G) The National Institutes of Health.

(H) The Food and Drug Administration.

(I) The Health Resources and Services Administration.

(J) The Department of Defense.

(K) The Office of Minority Health.

(L) The Administration for Children and Families.

(M) The Office of the Assistant Secretary for Planning and Evaluation.

(N) The Office for Civil Rights of the Department of Health and Human Services.

(O) The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice.

(P) The Office of Community Oriented Policing Services of the Department of Justice.

(Q) The Office on Women of the Department of Justice.

(R) The National Center for Education Evaluation and Regional Assistance of the Department of Education.

(S) The National Center for Special Education Research of the Institute of Education Science.

(T) The Office of Elementary and Secondary Education of the Department of Education.

(U) The Office for Civil Rights of the Department of Education.

(V) The Office of Special Education and Rehabilitative Services of the Department of Education.

(W) The Bureau of Indian Affairs of the Department of the Interior.

(X) The Veterans Health Administration of the Department of Veterans Affairs.

(Y) The Office of Special Needs Assistance Programs of the Department of Housing and Urban Development.

(Z) The Office of Head Start of the Administration for Children and Families.


(bb) The Bureau of Indian Education of the Department of the Interior.

(cc) Such other Federal agencies as the Secretaries determine to be appropriate.

(2) DATE OF APPOINTMENTS.—The heads of Federal departments and agencies shall appoint the corresponding members of the task force not later than 6 months after the date of enactment of this Act.

(3) CHAIRPERSON.—The task force shall be chaired by the Assistant Secretary for Mental Health and Substance Use.

(c) TASK FORCE DUTIES.—The task force shall—

(1) solicit input from stakeholders, including frontline service providers, educators, mental health professionals, researchers, experts in infant, child, and youth trauma, child welfare professionals, and the public, in order to inform the activities under paragraph (2); and

(2) identify, evaluate, make recommendations, and update such recommendations not less frequently than annually, to the general public, the Office of the Assistant Secretary for Planning and Evaluation, and other relevant cabinet Secretaries, and Congress regarding—

(A) a set of evidence-based, evidence-informed, and promising best practices with respect to—

(i) the identification of infants, children and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma; and

(ii) the expeditious referral to and implementation of trauma-informed practices and supports that prevent and mitigate the effects of trauma;

(B) a national strategy on how the task force and member agencies will collaborate, prioritize options for, and implement a co-ordinated approach which may include data sharing and the awarding of grants that support infants, children, and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma; and

(C) existing Federal authorities at the Department of Education, Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Interior, and other relevant agencies, and specific Federal grant programs to disseminate best practices on, provide training in, or deliver services through, trauma-informed practices, and disseminate such information—

(i) in writing to relevant program offices at such agencies to encourage grant applicants in writing to use such funds, where appropriate, to trauma-informed care; and

(ii) to the general public through the Internet website of the task force.

(d) REPORTING PRACTICES.—By specifying, evaluating, and recommending the set of best practices under subsection (c), the task force shall—

(1) include guidelines for providing professional development for front-line services providers, including school personnel, early childhood education program providers, providers from child- or youth-serving organizations, housing and homeless providers, primary and behavioral health care providers, child welfare and social services providers, juvenile and family court personnel, health care providers, individuals who are mandatory reporters of child abuse or neglect, trained nonclinical providers (including peer supports and clergy), and first responders, in—

(A) understanding and identifying early signs and risk factors of trauma in infants, children, and youth, and the families as appropriate, including through screening processes;

(B) providing practices to prevent and mitigate the impact of trauma, including by fostering safe and stable environments and relationships; and

(E) by striking “directly and” and inserting “directly or”;

(F) by striking “hepatitis C,” and all that follows through the period at the end and inserting “infections described in subsection (a)(1);” and

(G) in subsection (c), by striking “such sums as may be necessary for each of the fiscal years through September 30, 2004,” and inserting “$40,000,000 for each of fiscal years 2019 through 2023.”
(C) developing and implementing policies, procedures, or systems that—
(i) are designed to quickly refer infants, children, youth, and their families as appropriate trauma-informed screening and support; or are at risk of experiencing trauma to the appropriate trauma-informed screening and support, including age-appropriate treatment, and to ensure such services, youth, and family members receive such support;
(ii) utilize and develop partnerships with early childhood education programs, local social service organizations, such as organizations serving youth, and clinical mental health or health care service providers with expertise in providing support services (including trauma-informed and evidence-based treatment) aimed at preventing or mitigating the effects of trauma; and
(iii) evaluate the coordination needed to carry out such activities;
(2) the task force that may be consulted to carry out duties described in subsection (c)(2), which may include public engagement;
(3) any other information that the task force determines appropriate.
(f) Final Report.—Not later than 3 years after the date of the first meeting of the task force, the task force shall submit to the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Attorney General, and Congress an operating plan for carrying out the activities of the task force described in subsection (c)(2). Such operating plan shall include—
(1) a list of specific activities that the task force plans to carry out for purposes of carrying out duties described in subsection (c)(2), including public engagement;
(2) a plan for carrying out the activities under subsection (c)(2);
(3) a list of members of the task force and other individuals who are not members of the task force that may be consulted to carry out such activities;
(4) an explanation of Federal agency involvement and coordination needed to carry out such activities, including any statutory or regulatory barriers to such coordination;
(5) a budget for carrying out such activities; and
(6) other information that the task force determines appropriate.
(g) Definition.—In this section, the term “early childhood education program” has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).
made available under subsection (l) for each fiscal year—
(1) conduct a rigorous, independent evaluation of the activities funded under this section; and
(2) disseminate and promote the utilization of evidence-based practices regarding trauma support services and mental health care.
(2) AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among tribal, urban, suburban, and rural populations.
(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—
(1) to prohibit an entity involved with a program under this section from reporting a crime that is committed by a student to appropriate authorities; or
(2) to prevent Federal, State, and tribal law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal, tribal, and State law to crimes committed by a student.
(i) SUPPLEMENT, NOT SUPPLANT.—Any services provided through programs carried out under this section shall supplement, and not supplant, any special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).
(j) CONSULTATION WITH INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall, to the extent feasible, consult, engage, and cooperate with Indian Tribes and their representatives to ensure notice of eligible
(k) DEFINITIONS.—In this section:
(1) ELEMENTARY OR SECONDARY SCHOOL.—The term ‘elementary or secondary school’ means the public elementary and secondary school as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901).
(2) EVIDENCE-BASED.—The term ‘evidence-based’ has the meaning given such term in section 8101(2)(A)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901(2)(A)(1)).
(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term ‘Native Hawaiian educational organization’ has the meaning given such term in section 6307 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7317).
(4) PIPELINE SERVICES.—The term ‘pipeline services’ has the meaning given such term in section 6222 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7317).
(5) SCHOOL LEADER.—The term ‘school leader’ has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901).
(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.
(7) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term ‘specialized instructional support personnel’ has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901).
(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2019 through 2023.

SEC. 1515. NATIONAL MILESTONES TO MEASURE SUCCESS IN CURTAILING THE OPIOID CRISIS.
(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Drug Enforcement Administration and the Secretary of the Treasury, shall develop and implement a national strategy to combat the opioid crisis.
(b) NATIONAL MILESTONES TO END THE OPIOID CRISIS.—The national milestones under subsection (a) shall include the following:
(1) not fewer than 10 indicators or metrics to accurately and expediently measure progress in meeting the goal described in subsection (a), which shall, as appropriate, include, indicators or metrics related to—
(A) the number of fatal and non-fatal opioid overdoses;
(B) the number of emergency room visits related to opioid use disorder;
(C) the number of individuals in sustained recovery from opioid use disorder;
(D) the number of infections associated with HIV, viral hepatitis, and infectious endocarditis, and available capacity for treating such infections;
(E) the number of providers prescribing medication assisted treatment for opioid use disorders, including in primary care settings, community health centers, jails, and prisons;
(F) the number of individuals receiving treatment for drug addiction;
and
(G) additional indicators or metrics, as appropriate, such as metrics pertaining to specific populations, including women and children, American Indians and Alaskan Natives, individuals living in rural and non-urban areas, and justice-involved populations, that would further clarify the progress made in addressing the opioid misuse and abuse crisis.
(2) A reasonable goal, such as a percentage decrease or other specified metric, that signifies progress toward the goal described in subsection (a), and annual targets to help achieve that goal.
(c) CONSIDERATION OF OTHER SUBSTANCE USE DISORDER INDICATORS.—In developing the national milestones under subsection (b), the Secretary shall, as appropriate, consider other substance use disorders in addition to opioid use disorder.
(d) EXTENSION OF PERIOD.—If the Secretary determines that the goal described in subsection (a) will not be achieved with respect to any indicator or metric established under subsection (b) within 5 years of the date of enactment of this Act, the Secretary may extend the timeline for meeting such goal with respect to that indicator or metric. The Secretary shall include with any such extension a rationale for why additional time is needed and information on whether significant changes are needed in order to achieve such goal with respect to the indicator or metric.
(e) ANNUAL STATUS UPDATE.—Not later than one year after the enactment of this Act, the Secretary shall make available on the Internet website of the Department of Health and Human Services (including updates provided to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives) a report on the first year’s progress, including expected progress in the subsequent year, in achieving the goals described in the national milestones. Each such update shall include the progress made in the first year or since the previous report, as applicable, in meeting each indicator or metric in the national milestones.

TITLE II—FINANCE
SEC. 2001. SHORT TITLE.
This title may be cited as the ‘‘Helping to End Addiction and Lessen Substance Use Disorders Act of 2018’’ or the ‘‘HEAL Act of 2018’’.

Subtitle A—Medicare
SEC. 2101. MEDICARE OPIOID SAFETY EDUCATION.
(a) IN GENERAL.—Section 1896(f)(4)(G) of the Social Security Act (42 U.S.C. 1395m(f)(4)(G)) is amended—
(1) in paragraph (2)—
(A) in clause (i), by striking ‘‘clause (ii)’’ and inserting ‘‘clause (ii) and paragraph (6)(C)’’; and
(B) in clause (ii), by striking ‘‘FOR HOME DIALYSIS THERAPY ’’ and inserting ‘‘FOR HOME DIALYSIS THERAPY ’’
and
(C) in paragraph (4)—
(A) in clause (i), by striking ‘‘paragraph (6)(C)’’ and inserting ‘‘paragraphs (5), (6), and (7)’’; and
(B) in clause (i)(X), by striking ‘‘or telehealth services described in paragraph (7)’’ and inserting ‘‘or telehealth services described in paragraph (7)’’;
(2) by adding at the end the following new paragraph:
(T) TREATMENT OF SUBSTANCE USE DISORDER SERVICES FURNISHED THROUGH TELEHEALTH.—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2019, to an eligible telehealth individual with a substance use disorder diagnosis for purposes of treatment of such disorder, as determined by the Secretary, at an originating site described in paragraph (4)(C)(ii) other than the originating site described in subclause (IX) of paragraph (4)(C)(ii).
(b) IMPLEMENTATION.—The Secretary of Health and Human Services (in this section referred to as the ‘‘Secretary’’) may implement the amendments made by this section by interim final rule.
(c) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the impact of the implementation of the amendments made by this section with respect to telehealth services under section 1554(a)(4) of the Social Security Act (42 U.S.C. 1395m(a)) on—
(1) the utilization of health care items and services under title XVIII of such Act (42 U.S.C. 1395 et seq.) related to substance use disorders, including emergency department visits; and

SEC. 2002. REIMBURSEMENT FOR PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDERS.
(a) IN GENERAL.—In general, the Secretary shall ensure that, as applicable, funds provided to hospitals, dual eligible entities, and other health care providers that furnish services under title XIX of such Act (42 U.S.C. 1395 et seq.) are—
(1) available for—
(A) the diagnosis, treatment, and prevention of substance use disorders; and
(B) the provision of telehealth services, under section 1873(m) of such Act (42 U.S.C. 1395tt), to individuals with a substance use disorder diagnosis; and
(2) made available for the diagnosis, treatment, and prevention of substance use disorders described in paragraph (1), including—
(A) the provision of medication assisted treatment for opioid use disorder;
(B) the provision of services under section 1873(m) of such Act (42 U.S.C. 1395tt); and
(C) the provision of services under section 1873(m) of such Act (42 U.S.C. 1395tt) to individuals with a substance use disorder diagnosis.
(b) INCREASE IN REIMBURSEMENT.—The Secretary shall ensure that, as applicable, increased reimbursement is provided under section 1833(m) of such Act (42 U.S.C. 1395m(m)) on—
(1) the utilization of health care items and services under title XVIII of such Act (42 U.S.C. 1395 et seq.) related to substance use disorders, including emergency department visits; and

SEC. 2003. BUDGET AUTHORITY.
(a) IN GENERAL.—The Secretary shall—
(1) make available for obligation in fiscal year 2019, subject to paragraph (2), such sums as—
(A) may be necessary—
(i) for the services under title XIX of such Act (42 U.S.C. 1395 et seq.) listed in paragraph (1)(A), as determined using the factors and methodology specified in section 1862(r) of such Act (42 U.S.C. 1395r); and
(ii) for the services under title XIX of such Act (42 U.S.C. 1395 et seq.) listed in paragraph (1)(B), as determined using the factors and methodology specified in section 1862(r) of such Act (42 U.S.C. 1395r); and
(B) as determined by the Secretary, for—
(i) the services under title XIX of such Act (42 U.S.C. 1395 et seq.) listed in paragraph (1)(C); and
(ii) the services under title XIX of such Act (42 U.S.C. 1395 et seq.) listed in paragraph (1)(D); and
(ii) the services under title XIX of such Act (42 U.S.C. 1395 et seq.) listed in paragraph (1)(E);
(2) make available for obligation in fiscal year 2020, such sums as may be necessary to carry out this section.
(b) MODIFICATION OF TITLE XIX.—In developing and implementing the national strategies required by subsection (a) and the national milestones described in subsection (b), the Secretary shall—
(1) make such modifications to title XIX of such Act (42 U.S.C. 1395 et seq.) as the Secretary determines to be necessary to carry out the strategies and milestones.
(c) ALLOCATIONS.—Not later than one year after the date of enactment of this Act, the Secretary shall make available on the Internet website of the Department of Health and Human Services, and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report describing the strategies required by subsection (a) and the national milestones required by subsection (b), including expected progress in the subsequent year, in achieving the goals described in the national milestones.
(2) health outcomes related to substance use disorders, such as opioid overdose deaths.

S. 6084

CONGRESSIONAL RECORD — SENATE

September 6, 2018

SEC. 2105. STANDARDIZING ELECTRONIC PRIOR AUTHORIZATION FOR SAFE PRESCRIPTION.

Section 1859(x)(3) of the Social Security Act (42 U.S.C. 1395w–28) is amended by adding at the end the following new subparagraph:

"(ii) a prescription issued by a provider of services (including a prescriber) or supplier related to fraud, waste, and abuse for initiating or assisting investigations conducted by the eligible entity or

SEC. 2106. STRENGTHENING PARTNERSHIPS TO PREVENT OPIOID ABUSE.

(a) IN GENERAL.—Section 3309 of the Social Security Act (42 U.S.C. 1395w–26) is amended by adding at the end the following new section:

"(i) PROGRAM INTEGRITY POSTAL.—

"(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this title, the Secretary shall, after consultation with stakeholders, establish a secure Internet website portal that would allow a secure path for communication between the Secretary, MA plans under this part, prescription drug plans under part D, and an eligible entity with a contract under section 1993 (such as a Medicare drug benefit, Medicare Advantage organization, or Medicare cost plan) to the extent consistent with the requirements of paragraph (A):

"(ii) data sharing among such MA plans, prescription drug plans, and the Secretary.

"(B) REQUIRED USES OF PORTAL.—The Secretary shall disseminate information to MA plans under this part and prescription drug plans under part D through the secure Internet website portal established under subparagraph (A)."
(iv) In the case of such a plan that makes a referral under subparagraph (A)(i) through the portal with respect to suspicious activities of a provider of services (including a prescriber, such provider (or prescriber) or supplier has been the subject of an administrative action under this title or title XI with respect to similar activities, a notification to such plan of such action so taken.

(c) Rulemaking.—For purposes of this paragraph, the Secretary shall, through rulemaking, identify what constitutes suspicious activities related to fraud, waste, and abuse, using guidance such as what is provided in the Medicare Program Integrity Manual 4.7.1.

(2) Quarterly reports.—Beginning not later than 2 years after the date of the enactment of this subparagraph, the Secretary shall require MA plans and prescription drug plans under part D in a timely manner (but no less frequently than quarterly) and using information submitted to an entity described in paragraph (1) through the portal described in such paragraph or pursuant to section 1893, information on fraud, waste, and abuse schemes and trends in identifying suspicious activity. Information included in each such report shall—

(A) include administrative actions, pertinent information related to opioid overprescribing, and other data determined appropriate by the Secretary in consultation with stakeholders; and

(B) be anonymized information submitted by plans without identifying the source of such information.

(d) Clarification.—Nothing in this subsection shall preclude or otherwise affect referrals to the Inspector General of the Department of Health and Human Services.

(b) Contract Requirement to Communicate Plan Corrective Actions Against Opioids Over-Prescribers.—

(A) In general.—Beginning with plan years beginning on or after January 1, 2021, a contract under this section with an MA or prescription drug plan and MA plans, see section 1893(h)(1)."

SEC. 2107. COMMIT TO OPEN MEDICAL PRESCRIPTION DRUG PLAN ACCOUNTABILITY AND SAFETY FOR SENIORS.

Section 1860D–4(c)(4) of the Social Security Act (42 U.S.C. 1395w–27(e)(4)(C)) is amended by adding at the end the following new subparagraph:

(1) Notification and additional requirements with respect to statistical outlier prescribers of opioids.—

(i) Notification.—Not later than January 1, 2021, the Secretary shall, in the case of a prescriber described in subparagraph (A), require the Secretary under clause (ii) to be a statistical outlier prescriber of opioids, provide, subject to clause (iv), an annual notification to such prescriber that such prescriber has been so identified that includes resources on proper prescribing methods and other information as specified in accordance with clause (iii).

(ii) Identification of statistical outlier prescribers of opioids.—

(I) In general.—The Secretary shall, subject to subclause (III), using the valid prescriber National Provider Identifiers included pursuant to subparagraph (A) on claims for covered part D drugs for part D eligible individuals prescribed for opioid use and for drug plans under this part or MA–PD plans under part C and based on the thresholds established under subclause (II), identify prescribers that are statistical outlier opioid prescribers for a period of time specified by the Secretary.

(II) Establishment of thresholds.—For purposes of subparagraph (I) and subject to subclause (III), the Secretary shall, after consultation with stakeholders, establish thresholds, based on prescriber specialty and, as determined appropriate by the Secretary, geographic area, for identifying whether a prescriber in a specialty and geographic area is a statistical outlier prescriber of opioids as compared to other prescribers of opioids within such specialty and area.

(III) Exclusions.—The following shall not be included in the analysis for identifying statistical outlier prescribers of opioids under this clause:

(aa) Claims for covered part D drugs for part D eligible individuals who are receiving hospice care under this title.

(bb) Claims for covered part D drugs for part D eligible individuals who are receiving oncology services under this title.

(cc) Prescribers who are the subject of an investigation by the Centers for Medicare & Medicaid Services or the Inspector General of the Department of Health and Human Services.

(iii) Contents of notification.—The Secretary shall provide an opportunity to receive notifications in accordance with subclause (I) from the Secretary.

(iv) Information on how such prescriber compares to other prescribers within the same specialty and, if determined appropriate by the Secretary, geographic area.

(v) Information on opioid prescribing guidelines for integrative care for patients and for stakeholders, that may include the Centers for Disease Control and Prevention guidelines for prescribing opioids for chronic pain and guidelines developed by organizations.

(vi) Other information determined appropriate by the Secretary.

(iv) Modifications and expansions.—Beginning 5 years after the date of the enactment of this subparagraph, the Secretary may change the frequency of the notifications described in clause (i), the thresholds specified in accordance with clause (ii), and changes in opioid prescribing utilization and trends.

SEC. 2108. FIGHTING THE OPIOID EPIDEMIC WITH SUNSHINE.

(a) Inclusion of Information Regarding Payments to Advance Practice Nurses.—

(i) In general.—Section 1128G(e)(6) of the Social Security Act (42 U.S.C. 1395l(e)(6)) is amended—

(A) in subparagraph (A), by adding at the end the following new clause:

"(vii) A certified nurse-midwife (as defined in section 1861(bb)(1))."

(b) Effectiveness Date.—The amendments made by this subsection shall apply with respect to information required to be submitted to the Center for Medicare & Medicaid Services under section 1128G of the Social Security Act (42 U.S.C. 1395l–7) on or after January 1, 2022.
SEC. 2109. DEMONSTRATION TESTING COVERAGE OF CERTAIN SERVICES FURNISHED BY OPIOID TREATMENT PROGRAMS

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866E the following:

"SEC. 1866F. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall conduct a demonstration (in this section referred to as the 'demonstration') to test coverage of and payment for opioid use disorder treatment services (as defined in paragraph (2)(B)) furnished by opioid treatment programs (as described in paragraph (2)(A)) to individuals under part B using a bundled payment as described in paragraph (3).

"(2) DEFINITIONS.—In this section:

"(A) OPIOID TREATMENT PROGRAM.—The term 'opioid treatment program' means an entity that is an opioid treatment program (as defined in section 1883(c)(2) of title 18, Code of Federal Regulations, or any successor regulation) that—

"(i) is selected for participation in the demonstration;

"(ii) has in effect a certification by the Substance Abuse and Mental Health Services Administration for such a program;

"(iii) is accredited by an accrediting body approved by the Substance Abuse and Mental Health Services Administration;

"(iv) submits to the Secretary data and information needed to monitor the quality of services furnished and conduct the evaluation described in subsection (c); and

"(v) meets such additional requirements as the Secretary determines necessary.

"(B) OPIOID USE DISORDER TREATMENT SERVICES.—The term 'opioid use disorder treatment services' means items and services that are furnished by an opioid treatment program for the treatment of opioid use disorder, including—

"(i) opioid agonist and antagonist treatment (including oral, injected, or implanted versions) that are approved by the Food and Drug Administration under section 505 of the Federal Food, Drug, and Cosmetic Act for use in the treatment of opioid use disorder;

"(ii) dispensing and administration of such medications, if applicable;

"(iii) substance use counseling by a professional to the extent authorized under State law to furnish such services;

"(iv) individual and group therapy with a physician or psychologist (or other mental health professional to the extent authorized under State law);

"(v) toxicity testing; and

"(vi) counseling that does not consist of the Secretary determines are appropriate (but in no case to include meals or transportation).

"(3) BUNDLED PAYMENT UNDER PART B.—

"(A) The Secretary shall pay, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, to an opioid treatment program participating in the demonstration a bundled payment as determined by the Secretary for opioid use disorder treatment services that are furnished by such treatment program to an individual under part B during an episode of care (as defined by the Secretary).

"(B) CONSIDERATIONS.—The Secretary may impose on such an opioid treatment program one or more bundled rates based on the type of medication provided (such as buprenorphine, methadone, naltrexone, or a new innovative drug), the frequency of services furnished, the scope of services furnished, characteristics of the individuals furnished such services, or other factors as the Secretary determines appropriate. In determining such rates, the Secretary may consider payment rates paid to opioid treatment programs for comparable services under State plans under title XIX or under the Medicaid program under chapter 55 of title 10 of the United States Code.

"(4) IMPLEMENTATION.—

"(i) DURATION.—The demonstration shall be conducted for a period of 5 years, beginning not later than January 1, 2021.

"(ii) SCOPE.—In carrying out the demonstration, the Secretary shall limit the number of beneficiaries that may participate at any one time in the demonstration to 2,000.

"(iii) WAIVER.—The Secretary may waive such provisions of this title and title XI as the Secretary determines necessary in order to implement the demonstration.

"(4) ADMINISTRATION.—

"(i) REPORT.—Not later than 2 years after the completion of the demonstration, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under paragraph (3), and all that follows and inserting the following: 'and on reconsideration a PDP sponsor affirms its denial, in whole or in part, the case shall be automatically forwarded to the independent, outside entity contracted with the Secretary for review and resolution.'

"(e) EFFECTIVE DATE.—The amendments made by this section shall apply beginning not later than January 1, 2021.

SEC. 2110. ENCOURAGING APPROPRIATE PRESCRIPTION UNDER MEDICAID PART D DRUG MANAGEMENT PROGRAM FOR AT-RISK BENEFICIARIES.

(a) IN GENERAL.—Section 1902(a)(10)(C) of the Social Security Act (42 U.S.C. 1396w–16(a)(10)(C)) is amended by—

"(1) in subparagraph (B), in the matter preceding clause (ii), and inserting the following:

"(ii) in clause (i), in the matter preceding clause (ii), and inserting the following:

"(ii) in paragraph (82), by striking "and" after the semicolon;
(2) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations, including recommendations for such legislative and administrative actions, required to ensure that such services are provided, including peer support services, and access to peer support services under Medicaid as the Comptroller General of the United States determines appropriate.

SEC. 2203. MEDICAID SUBSTANCE USE DISORDER TREATMENT VIA TELEHEALTH.

(a) DEFINITIONS.— (1) COMPTROLLER GENERAL.—The term ‘‘Comptroller General’’ means the Comptroller General of the United States.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act.

(2) State options for Federal reimbursement for furnishing services and treatment for substance use disorders under Medicaid using telehealth services and remote patient monitoring for pediatric populations.

(c) TRAINING AND EDUCATION.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with the recommendations and administrative action as the Comptroller General determines appropriate.

(d) REPORT ON REDUCING BARRIERS TO USING TELEHEALTH SERVICES AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(3) REPORT ON COMPLIANCE.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(4) REPORT ON REDUCING BARRIERS TO USING TELEHEALTH SERVICES AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(3) REPORT ON COMPLIANCE.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(4) REPORT ON REDUCING BARRIERS TO USING TELEHEALTH SERVICES AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(3) REPORT ON COMPLIANCE.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(4) REPORT ON REDUCING BARRIERS TO USING TELEHEALTH SERVICES AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(3) REPORT ON COMPLIANCE.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts a study regarding the barriers to providing medication use in the treatment of substance use disorders under Medicaid that are barriers to medication use in the treatment of behavioral health disorders.

(4) REPORT ON REDUCING BARRIERS TO USING TELEHEALTH SERVICES AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall ensure that each grantee conducts an evaluation of the effectiveness of Medicaid provider reimbursement rates for services and treatment for substance use disorders.
The study shall include analyses of each of the following models of distribution of substance use disorder treatment medications, particularly buprenorphine, naltrexone, and buprenorphine/naltrexone combination:

(A) The purchasing, storage, and administra-
tion of substance use disorder treatment medications by pharmacies;

(B) The differential cost to the program be-	ween each distribution model for medica-
tions and treatment, and

(C) Provider willingness to provide or pre-
scribe substance use disorder treatment medications.

(b) Report.—Not later than 15 months after 
the date of the enactment of this Act, the 
Comptroller General shall submit to 
Congress a report containing the results of 
the study conducted under subsection (a), to-
gether with recommendations for such legis-
lation and administrative action as the 
Comptroller General determines appropriate.

SEC. 2208. MACPAC STUDY AND REPORT ON MAT 
TREATMENT PROGRAMS UNDER STATE MEDICAID PROGRAMS.

(a) Study.—The Medicaid and CHIP Plan-
ning and Access Commission shall conduct a 
study and analysis of utilization control policies 
applied to medication-assisted treat-
ment for substance use disorders under State 
medicaid programs, including policies and 
procedures applied both in fee-for-service 
Medicaid and in risk-based managed care 
Medicaid, which shall—

(1) include an inventory of such utilization 
control policies and related protocols for en-
suring access to medically necessary treat-
ment;

(2) determine whether managed care utiliza-
tion control policies and procedures for 
medication-assisted treatment for substance 
use disorders are consistent with section 
428.21(a)(4) of title 42, Code of Federal 
Regulations; and

(3) identify policies that—

(i) limit an individual’s access to medica-
tion-assisted treatment for a substance use 
disorder by limiting the quantity of medica-
tion-assisted treatment prescriptions, or 
the number of refills for such prescriptions, 
available to an individual prior to an au-
thorization process or similar utilization 
protocols; and

(ii) apply without evaluating individual in-
stances of fraud, waste, or abuse.

(b) Report.—Not later than 1 year after 
the date of the enactment of this Act, the 
Medicaid and CHIP Payment and Access Com-
mission shall make publicly available a 
report containing the results of the study 
donducted under subsection (a).

SEC. 2209. OPIOID ADDICTION TREATMENT PRO-
GRAMS ENHANCEMENT.

(a) T–MSIS SUBSTANCE USE DISORDER DATA 
BOOK.—

(1) General.—Not later than the date that 
is 12 months after the date of enact-
ment of this Act, the Secretary of Health 
and Human Services (in this section referred 
to as the Secretary) shall publish on the 
public website of the Centers for Medicare 
& Medicaid Services a report with comprehen-
sive data on the prevalence of substance use disorders in the Medicaid beneficia-
ty population and services provided for the treat-
ment of substance use disorders under Med-
icaid.

(2) Content of report.—The report re-
quired under paragraph (1) shall include, at 
a minimum, the following data for each State 
(including, to the extent available, for the 
Uniform Statistical Information System for the 
Virgin Islands, Guam, the Northern Mariana Is-
lands, and American Samoa):

(A) The number and percentage of individ-
uals enrolled in the State Medicaid plan or 
waiver of such plan in each of the major en-
rollement categories as defined in a public 
letter from the Medicaid and CHIP Payment 
and Access Commission to the Secretary); 

(B) The number and percentage of individ-
uals enrolled in the Medicaid plan or waiver 
under which they are enrolled, the extent 
available.

(b) A list of the substance use disorder treat-
sment services by each major type of 
service, such as counseling, medication as-
sisted treatment, peer support, residential 
and inpatient treatment, and intensive outpa-
tient treatment, with the number and per-
centage of beneficiaries in each State received at least 
1 service under the State Medicaid plan or 
a waiver of such plan.

(c) Annual update.—The Secretary shall 
issue an updated version of the report re-
quired under paragraph (1) not later than 
January 1 of each calendar year through 
2024.

(4) Use of T–MSIS data.—The report re-
quired under paragraph (1) and updates re-
quired under paragraph (3) shall include—

(1) use data and definitions from the 
Transformed Medicaid Statistical Informa-
tion System ("T–MSIS") data set that is no 
more than 12 months old on the date that the 
report or update is published; and

(2) as appropriate, include a description 
with respect to each State of the quality and 
completeness of the data and caveats de-
scribing the limitations of the data reported to 
the Secretary by the State that is suffi-
cient to communicate the appropriate uses 
for the information.

(b) Making T–MSIS data on substance use 
disorders available to researchers.—

(1) In general.—The Secretary shall pub-
lish in the Federal Register a system of 
records notice for the data specified in para-
graph (2) for the Transformed Medicaid Sta-
tistical Information System, in accordance 
with section 552a(e)(4) of title 5, United 
States Code. The notice shall outline policies 
that protect the security and privacy of the 
data that, at a minimum, meet the security 
and privacy standards of 45 CFR 09.70-004 for 
the Medicaid Statistical Information Sys-
tem.

(2) Required data.—The data covered by 
the provisions of paragraphs (2) and (3) of 
section 302(a)(4) of title 5, United States Code. 
paragraph (1) shall be sufficient for research- 
and States to analyze the prevalence of
substance use disorders in the Medicaid beneficiary population and the treatment of substance use disorders under Medicaid across all States (including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa), forms of treatment, and treatment settings.

3. INITIATION OF DATA-SHARING ACTIVITIES.—Not later than January 1, 2019, the Secretary shall initiate the data-sharing activities outlined in the notice required under paragraphs (2) and (3).

SEC. 2210. BETTER DATA SHARING TO COMBAT THE OPIOID CRISIS.

(a) IN GENERAL.—Section 1903(m)(8) of the Social Security Act (42 U.S.C. 1396b(m)(8)) (as added by subsection 1903(m)(8) of the Social Security Act (42 U.S.C. 1396b(m)(8)), as amended by section 2207, is amended by adding at the end the following new paragraph: "(8) The State agency administering the State plan under this title may have reasonable access, as determined by the State, to 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent the State agency is permitted to access such databases under State law.

"(B) Such State agency may facilitate reasonable access, as determined by the State, to 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent that the State agency is permitted under State law to access such databases, for:

(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

(ii) any managed care entity (as defined under section 1902(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).

"(C) Such State agency may share information in such databases, to the same extent that the Secretary is permitted under State law to share information in such databases, with:

(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

(ii) any managed care entity (as defined under section 1902(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).

(b) SECURITY AND PRIVACY.—All applicable State laws and regulations related to security and privacy protections and laws shall apply to any State agency, individual, or entity accessing 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent that the State agency is permitted under State law to access such databases, with:

(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

(ii) any managed care entity (as defined under section 1902(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3)."

"(b) SECURITY AND PRIVACY.—All applicable State laws and regulations related to security and privacy protections and laws shall apply to any State agency, individual, or entity accessing 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent that the State agency is permitted under State law to access such databases, with:

(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

(ii) any managed care entity (as defined under section 1902(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).

"(C) SECURITY AND PRIVACY.—All applicable State laws and regulations related to security and privacy protections and laws shall apply to any State agency, individual, or entity accessing 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent that the State agency is permitted under State law to access such databases, with:

(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

(ii) any managed care entity (as defined under section 1902(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).

SEC. 2211. MANDATORY REPORTING WITH RESPECT TO DATA-SHARING ACTIVITIES AND DATA-SHARING SUPPORTS AND INDIVIDUALS STRUGGLING WITH SUBSTANCE USE DISORDERS UNDER MEDICAID.

(a) IN GENERAL.—Not more than 1 year after the date of enactment of this Act, the Secretary shall issue a report to Congress describing innovative State initiatives and strategies for providing housing-related services and supports under a State Medicaid program to individuals with substance use disorders who are experiencing or at risk of experiencing homelessness.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall describe the following:

(1) Existing methods and innovative strategies developed and adopted by State Medicaid programs that have achieved positive outcomes in increasing housing stability among Medicaid beneficiaries with substance use disorders who are experiencing or at risk of experiencing homelessness, including Medicaid beneficiaries with substance use disorders who are—

(A) receiving treatment for substance use disorders in inpatient, residential, outpatient, or home and community-based settings;

(B) transitioning between substance use disorder treatment settings; or

(C) living in supportive housing or another model of affordable housing.

(2) Strategies Medicaid managed care organizations, primary care case managers, hospitals, accountable care organizations, and other care coordination providers to deliver housing-related services and supports and to coordinate services provided under State Medicaid programs across different treatment settings.

(3) Innovative strategies and lessons learned by States with Medicaid waivers approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), including—

(A) challenges experienced by States in designing, securing, and implementing such waivers or plan amendments;

(B) how States developed partnerships with other organizations such as behavioral health agencies, State housing agencies, housing providers, other Medicaid managed care organizations and providers, community-based organizations, and health insurance plans to implement waivers or State plan amendments; and

(C) innovative State initiatives and strategies to provide Medicaid coverage for housing-related services and supports in the future, including by covering such services and supports under State Medicaid programs.

(4) Opportunities for States to provide housing-related services and supports through a Medicaid waiver under sections 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or through a State Medicaid plan amendment, such as the Ashtabula County Community Behavioral Pilot program, which promotes supportive housing and other housing-related supports under Medicaid for individuals with substance use disorders and has a waiver approved under such section 1115 to conduct the program.

(5) Innovative strategies and partnerships developed and implemented by State Medicaid programs or other entities to identify and enroll eligible individuals with substance use disorders who are experiencing or at risk of experiencing homelessness in State Medicaid programs.

SEC. 2212. REPORT ON INNOVATIVE STATE INITIATIVES AND STRATEGIES TO PROVIDE HOUSING-RELATED SUPPORTS UNDER MEDICAID.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide technical assistance and support to States regarding the development and expansion of innovative State strategies (including through State Medicaid demonstration projects) to provide housing-related supports and services and case coordination services under Medicaid to individuals with substance use disorders.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a report to Congress detailing a plan of action to carry out the requirements of subsection (a).

Subtitle C—Human Services

SEC. 2301. SUPPORTING FAMILY-FOCUSED RESIDENTIAL TREATMENT.

(a) DEFINITIONS.—In this section:

(1) FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAM.—The term ‘‘family-focused residential treatment program’’ means a trauma-informed residential program primarily for substance use disorder treatment for pregnant and postpartum women and parents and guardians that allows children to reside with such women or their parents or guardians during treatment to the extent appropriate and applicable.

(2) MEDICAID PROGRAM.—The term ‘‘Medicaid program’’ means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Health and Human Services.

(b) REQUIREMENTS.—The term ‘‘title XIX program’’ means the program for foster care, prevention, and permanency established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.).

(c) REQUIREMENTS.—The term ‘‘title IV-E program’’ means the program for foster care, prevention, and permanency established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.).

(d) GUIDANCE ON FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with divisions of the Department of Health and Human Services administering the foster care, child welfare, and adoption services in addiction, medicine, obstetrics and gynecology, neonatology, child trauma, and child development, health plans, recipients of family-focused residential treatment programs for the provision of substance use disorder treatment. Before issuing such guidance, the Secretary shall solicit input from representatives of States, health care providers, other relevant stakeholders, and other relevant stakeholders.

(2) ADDITIONAL REQUIREMENTS.—The guidance required under paragraph (1) shall include—

(A) Existing opportunities and flexibility for Medicaid managed care programs, including under

SEC. 2302. FOSTER CARE, FAMILY-FOCUSED RESIDENTIAL TREATMENT, AND SUCCESSFUL TRANSITIONS IN COMMUNITY INTEGRATION SERVICE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide technical assistance and support to States regarding the development and expansion of innovative State strategies (including through State Medicaid demonstration projects) to provide housing-related supports and services and case coordination services under Medicaid to individuals with substance use disorders.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a report to Congress detailing a plan of action to carry out the requirements of subsection (a).
waivers authorized under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for States to receive Federal Medicaid funding for the provision of substance use disorder, child welfare, and transitional services to postpartum women and parents and guardians and, to the extent applicable, their children, in family-focused residential treatment programs.

(B) How States can employ and coordinate funding provided under the Medicaid program, the title IV-E program, and other programs administered by the Secretary to support the conduct and evaluation results to be adequately powered, and preliminary results of the evaluation to be available within 4 years of the program’s implementation.

(C) The Secretary to support the conduct and evaluation results to be adequately powered, and preliminary results of the evaluation to be available within 4 years of the program’s implementation.

(3) Implementing a family recovery and reunification program.

(A) IN GENERAL.—The Secretary shall, through a grant or contract with 1 or more entities, conduct the family recovery and reunification program under the project.

(B) REQUIREMENTS.—In identifying 1 or more entities to conduct the evaluation of the family recovery and reunification program, the Secretary shall—

(i) determine the area or areas in which the program will be conducted and the entities that will serve a sufficient number of parents or guardians and their children, so as to allow for the formation of a control group, evaluation results to be compared, and preliminary results of the evaluation to be available within 4 years of the program’s implementation;

(ii) provide the entity or entities with technical assistance for the program design, including by working with 1 or more entities that are or have been involved in recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children, measure outcomes for parents and guardians and their children over multiple time periods, including for a period of 5 years; and

(iii) include measurements of family stability and parent, guardian, and child safety for program participants and the program control group that are consistent with measurements of such factors for participants and consistent with the results of studies of other recovery coaching programs so as to allow results of the impact study to be compared with results of studies of other recovery coaching programs.

(IV) IMPACT STUDY.—The impact study shall determine the impacts of the family recovery and reunification program conducted under the program’s control group.

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(V) PILOT PHASE.—The pilot phase component of the evaluation shall consist of the Secretary providing technical assistance to the entity or entities conducting the family recovery and reunification program under the project to ensure—

(i) the program’s implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

(ii) random assignment of parents or guardians and their children to be participants in the program or to be part of the program’s control group.

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(i) the program’s implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

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(i) the program’s implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

(ii) random assignment of parents or guardians and their children to be participants in the program or to be part of the program’s control group.

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(i) the program’s implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

(ii) random assignment of parents or guardians and their children to be participants in the program or to be part of the program’s control group.

(V) PILOT PHASE.—The pilot phase component of the evaluation shall consist of the Secretary providing technical assistance to the entity or entities conducting the family recovery and reunification program under the project to ensure—

(i) the program’s implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

(ii) random assignment of parents or guardians and their children to be participants in the program or to be part of the program’s control group.
and shown to increase family reunification and protect children; and
(ii) the difference in services received or proposed to be received by the program participants as compared to control group participants.

(E) REPORT.—The Secretary shall publish on an internet website maintained by the Secretary the following information:
(i) a report on the pilot phase component of the evaluation.
(ii) A report on the impact study component of the evaluation.
(iii) A report on the implementation study component of the evaluation.
(iv) A report that includes:
(I) a description of the extent to which the program has resulted in increased reunifications, increased permanency, case closures, net savings to the State or States involved (taking into account both costs borne by States and the Federal government), or other outcomes, or if the program did not produce such outcomes, an analysis of why the replication of the program did not yield such results;

(ii) if, based on such analyses, the Secretary determines the program should be replicated, a description of the program.
(iii) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(iv) In addition to any amounts otherwise available to carry out this subpart, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $15,000,000 for fiscal year 2019 to carry out the project, which shall remain available through fiscal year 2020.

(b) PRIORITY.—(1) FUNDING.—In addition to the amounts made available under section 471(e)(4)(C) of the Social Security Act (42 U.S.C. 761(e)(4)(C)) (as added by the Family First Prevention Services Act enacted under title VII of division D of Public Law 115–123),

(2) EVALUATION REQUIREMENTS.—The Secretary shall require any evaluation of a family-focused residential treatment program to be designed to assess the following:
(I) the quality of the program as a whole, including the ability of the program to achieve the metrics prescribed in clause (i) (II) the treatment outcomes for the population served by the program, including the ability of the program to achieve the metrics prescribed in clause (i) (III) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $23,000,000 for fiscal year 2019, which shall remain available through fiscal year 2023.

Subtitle D—Syntheses Trafficking and Overdose Prevention

SEC. 2401. SHORT TITLE.
This subtitle may be cited as the “Syntheses Trafficking and Overdose Prevention Act of 2018” or “STOP Act of 2018”.

SEC. 2402. CUSTOMS FEES.

(a) IN GENERAL.—Section 1301(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58b(b)(9)) is amended—

(1) by striking “$1 per Inbound EMS item.” and—a report that includes—
(II) A report that includes—
(i) A report on the pilot phase component of the evaluation.
(ii) A report on the impact study component of the evaluation.
(iii) A report on the implementation study component of the evaluation.
(iv) A report that includes:
(1) a description of the extent to which the program has resulted in increased reunifications, increased permanency, case closures, net savings to the State or States involved (taking into account both costs borne by States and the Federal government), or other outcomes, or if the program did not produce such outcomes, an analysis of why the replication of the program did not yield such results;

(ii) if, based on such analyses, the Secretary determines the program should be replicated, a description of the program.
(iii) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(iv) In addition to any amounts otherwise available to carry out this subpart, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $15,000,000 for fiscal year 2019 to carry out the project, which shall remain available through fiscal year 2020.

(b) PRIORITY.—(1) FUNDING.—In addition to the amounts made available under section 471(e)(4)(C) of the Social Security Act (42 U.S.C. 761(e)(4)(C)), by as added by section 50711(a)(2) of division E of Public Law 115–123,

(2) EVALUATION REQUIREMENTS.—The Secretary shall require any evaluation of a family-focused residential treatment program by an eligible entity that uses funds awarded under this section for all or part of the costs of the evaluation be designed to assist in the determination as to whether the program maintains or produces such outcomes, or if the program did not produce such outcomes, an analysis of why the replication of the program did not yield such results;

(ii) if, based on such analyses, the Secretary determines the program should be replicated, a description of the program.
(iii) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(iv) In addition to any amounts otherwise available to carry out this subpart, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $15,000,000 for fiscal year 2019 to carry out the project, which shall remain available through fiscal year 2020.

(b) PRIORITY.—(1) FUNDING.—In addition to the amounts made available under section 471(e)(4)(C), (as added by the Family First Prevention Services Act enacted under title VII of division D of Public Law 115–123),

(2) EVALUATION REQUIREMENTS.—The Secretary shall require any evaluation of a family-focused residential treatment program to be designed to assess the following:
(I) the quality of the program as a whole, including the ability of the program to achieve the metrics prescribed in clause (i) (II) the treatment outcomes for the population served by the program, including the ability of the program to achieve the metrics prescribed in clause (i) (III) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $23,000,000 for fiscal year 2019, which shall remain available through fiscal year 2023.

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(II) A report that includes—
(i) A report on the pilot phase component of the evaluation.
(ii) A report on the impact study component of the evaluation.
(iii) A report on the implementation study component of the evaluation.
(iv) A report that includes:
(1) a description of the extent to which the program has resulted in increased reunifications, increased permanency, case closures, net savings to the State or States involved (taking into account both costs borne by States and the Federal government), or other outcomes, or if the program did not produce such outcomes, an analysis of why the replication of the program did not yield such results;

(ii) if, based on such analyses, the Secretary determines the program should be replicated, a description of the program.
(iii) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(iv) In addition to any amounts otherwise available to carry out this subpart, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $15,000,000 for fiscal year 2019 to carry out the project, which shall remain available through fiscal year 2020.

(b) PRIORITY.—(1) FUNDING.—In addition to the amounts made available under section 471(e)(4)(C), by as added by section 50711(a)(2) of division E of Public Law 115–123,

(2) EVALUATION REQUIREMENTS.—The Secretary shall require any evaluation of a family-focused residential treatment program to be designed to assess the following:
(I) the quality of the program as a whole, including the ability of the program to achieve the metrics prescribed in clause (i) (II) the treatment outcomes for the population served by the program, including the ability of the program to achieve the metrics prescribed in clause (i) (III) such recommendations for legislation and administrative action as the Secretary determines appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $23,000,000 for fiscal year 2019, which shall remain available through fiscal year 2023.
of the shipment, consistent with subparagraph (H).

(iv) Regulations prescribed under clause (i) shall allow for the requirements for the transmission of information described in subparagraphs (1) and (2) for mail shipments described in clause (i) to be implemented in phases, as appropriate, by—

(I) the postal target for increasing the percentage of such shipments for which information is required to be transmitted to the Commissioner; and

(II) taking into consideration—

(a) the risk posed by such shipments;

(bb) the volume of mail shipped to the United States or by or through a particular country; and

(cc) the capacities of foreign postal operators to provide that information to the Post- al Service.

(v) (I) Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2018, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for not less than 70 percent of the aggregate number of mail shipments, including 100 percent of mail shipped to the People’s Republic of China, described in clause (i).

(II) If the requirements of subclause (I) are not met, the Comptroller General of the United States shall submit to the appropriate congressional committees, not later than June 30, 2019, a report—

(aa) assessing the reasons for the failure to meet those requirements; and

(bb) identifying recommendations to improve the collection by the Postal Service of the information described in paragraphs (1) and (2).

(vi) (I) Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2018, determine whether a country may be excluded from the requirement for transmission of information for mail shipments described in clause (i) from the country if the Commissioner determines that the country—

(aa) does not have the capacity to collect and transmit such information;

(bb) represents a low risk for mail shipments; or

(cc) accounts for low volumes of mail shipments that can be effectively screened for compliance with relevant United States laws and regulations; and

(II) The Commissioner, in consultation with the Postmaster General, may determine to exclude a country from the requirement described in subclause (I) to transmit information for mail shipments described in clause (i) from the country if the Commissioner determines that the country—

(aa) is at low risk for the ability to collect and transmit such information; and

(bb) represents a low risk for mail shipments; or

(cc) accounts for low volumes of mail shipments that can be effectively screened for compliance with relevant United States laws and regulations through an alternate means.

(III) The Commissioner shall, at a minimum on an annual basis, re-evaluate any determination made under subclause (II) to exclude a country from the requirement described in subclause (I). If, at any time, the Commissioner determines that a country no longer meets the requirements under subclause (II), the Commissioner may not further exclude the country from the requirement described in subclause (I).

(IV) The Commissioner shall, on an annual basis, submit to the appropriate congressional committees—

(aa) a list of countries with respect to which the Commissioner has made a determination under subclause (II) to exclude the countries from the requirement described in subclause (I);

(bb) information used to support such determination with respect to such countries;

(vii) (I) The Postmaster General shall, in consultation with the Comptroller General of the United States, determine within 30 days after the date of this Act, the countries to which the Postmaster General shall, in consultation with the Comptroller General, refuse to exclude any shipments received after December 31, 2020, for which the information described in paragraphs (1) and (2) is not transmitted as required under this subparagraph, except as provided in subclause (II).

(II) If remedial action is warranted in lieu of refusal, the Postmaster General shall take such action as it determines appropriate. The Postmaster General may not refuse to transmit the information described in paragraphs (1) and (2) with respect to the shipment described in subparagraph (H) to exclude the Postmaster General shall take remedial action with respect to the shipments, including destruction, disposition, or otherwise law enforcement initiatives, or correction of the failure to provide the information described in paragraphs (1) and (2) with respect to the shipment described in subparagraph (H).

(viii) Nothing in this subparagraph shall be construed to limit the authority of the Commissioner to require the transmission of any information to international mail shipments from private carriers or other appropriate parties.

(ix) In this subparagraph, the term ‘appropriate congressional committees’ means—

(1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

(2) Joint Strategic Plan on Mandatory Advance Information.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall develop and transmit to the appropriate congressional committees a joint strategic plan detailing specific performance measures for achieving—

(A) the transmission of information as required by section 343(a)(3)(K) of the Trade Act of 2002, as amended; and

(B) the presentation by the Postmaster Service to the Secretary of Homeland Security and the Department of the Treasury for review, not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall take remedial action to ensure the transmission of that information.

(c) Capacity Building.—(1) GENERAL.—Section 343(a) of the Trade Act of 2002 (Public Law 107-210; 19 U.S.C. 2071 note) is amended by adding at the end the following:

(2) Capacity building.—

(A) IN GENERAL.—The Secretary, with the concurrence of the Secretary of State, and in consultation with the Postmaster General and the heads of other Federal agencies, as appropriate, may provide technical assistance, equipment, technology, and training to enhance the capacity of foreign postal operators for the transmission of the information described in subparagraphs (A), (B), and (C) of subsection (a)(5) of the Trade Act of 2002, as amended by subsection (a)(1), to foreign postal operators with respect to issues relating to the transmission of that information.

(B) The Secretary, in consultation with the appropriate congressional committees on the progress made in achieving the transmission of that information, may provide technical assistance to foreign postal operators required by that subparagraph.

(E) The Secretary shall, not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the foregoing subsection is no longer in effect, report to the appropriate congressional committees on the use of the technology to detect illicit synthetic opioids and other illegal substances in international mail parcels and planned acquisitions and advancements in such technology.

(F) The Secretary, in consultation with the appropriate congressional committees, may provide technical assistance to foreign postal operators for the transmission of the information described in subparagraphs (A), (B), and (C) of subsection (a)(5) of the Trade Act of 2002, as amended by subsection (a)(1), to foreign postal operators with respect to issues relating to the transmission of that information.

(2) CONSULTATIONS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the foregoing subsection is no longer in effect, the Secretary of Homeland Security and the Postmaster General shall consult with the appropriate congressional committees on the progress made in achieving the transmission of that information, for purposes of subsection (B) and for such other purposes as they determine to be appropriate.

(3) Report.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 3 years after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall, in consultation with the appropriate congressional committees, submit to the Committees on Oversight and Government Reform, the Committee on Homeland Security, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report on the progress made in achieving the transmission of that information, for purposes of subsection (B) and for such other purposes as they determine to be appropriate.

(G) A summary of the use of the technology to detect illicit synthetic opioids and other illegal substances in international mail parcels and planned acquisitions and advancements in such technology.

(H) Such other information as the Secretary of Homeland Security and the Postmaster General consider appropriate with respect to obtaining the transmission of information required by that subparagraph.
The Trade Act of 2002, as amended by subsection (a)(1), for the percentage of shipments required by that subparagraph; (2) assessing the quality of the information received from foreign postal operators for targeted purposes; (3) assessing the specific percentage of targeted mail presented by the Postal Service to U.S. Customs and Border Protection for inspection; (4) describing the costs of collecting the information required by such subparagraph (K) from foreign postal operators and the costs of implementing the use of that information; (5) assessing the benefits of receiving that information with respect to international mail shipped; (6) assessing the feasibility of assessing a customs fee under section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended by section 202, on international mail shipments other than Inbound Express Mail service in a manner consistent with the obligations of the United States under international agreements; and (7) identifying recommendations, including recommendations for legislation, to improve the effectiveness of the Postal Service with such subparagraph (K), including an assessment of whether the detection of illicit synthetic opioids in the international mail would be enhanced.

(5) REIMBURSEMENT.—(A) IN GENERAL.—The Department of State should consult with the appropriate agencies of the United States under international agreements, or any amendment to such an agreement, that is related to the international postal services, or any amendment to international postal agreements, with the heads of other agencies as appropriate, to which the United States is no longer in violation of relevant provisions of the agreement so that the United States Postal Service—

(a) the term ‘‘Attorney General’’ means the Attorney General for the Office of Justice Programs; and

(b) the term ‘‘authorized collector’’ means a narcotic treatment program, a hospital or other facility described in section 3401(a) of the Comprehensive Cancer Centers Act of 1971 (42 U.S.C. 2071 note) is amended in the section heading by inserting ‘‘ADVANCED’’ and inserting ‘‘ADVANCED’’.

(b) FUTURE AGREEMENTS.—(a) IN GENERAL.—The Postal Service shall, to the extent practicable and otherwise recoverable by law, ensure that all costs associated with complying with this subtitle and amendments made by this subtitle are charged directly to foreign shippers or foreign postal operators as required by regulations prescribed under section 343(a)(3)(K) of the Trade Act of 2002, as amended by section 2401(a), and paid promptly to U.S. Customs and Border Protection with respect to the violation.

(c) COSTS NOT CONSIDERED REVENUE.—The recovery of costs under subsection (a) shall not be deemed revenue for purposes of subchapter I and II of chapter 36 of title 39, United States Code, or regulations prescribed under that chapter.

SEC. 2406. DEVELOPMENT OF TECHNOLOGY TO DETECT ILICIT NARCOTICS.

(a) IN GENERAL.—The Postmaster General and the Commissioner of U.S. Customs and Border Protection shall conduct outreach to private sector entities to gather information regarding the current state of technology to identify areas for innovation, including the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States.

(b) OUTREACH TO PRIVATE SECTOR.—The Postmaster General and the Commissioner of U.S. Customs and Border Protection shall conduct outreach to private sector entities to gather information regarding the current state of technology to identify areas for innovation, including the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States.

SEC. 2407. CIVIL PENALTIES FOR POSTAL SHIPMENTS.

Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) is amended by adding at the end the following new subsection:

(1) The name and address of the violator.

(2) The term ‘‘authorized collector’’ means a narcotic treatment program, a hospital or other facility described in section 3401(a) of the Comprehensive Cancer Centers Act of 1971 (42 U.S.C. 2071 note) is amended in the section heading by inserting ‘‘ADVANCED’’ and inserting ‘‘ADVANCED’’.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

SEC. 2404. INTERNATIONAL POSTAL AGREEMENTS.

(a) EXISTING AGREEMENTS.—(1) IN GENERAL.—Notwithstanding that any provision of this subtitle, or any amendment made by this subtitle, is determined to be in violation of obligations of the United States under any postal treaty, convention, or other international agreement related to international postal services, or any amendment to such an agreement, the Secretary of State should negotiate to amend the relevant provisions of the agreement so that the United States is no longer in violation of the agreement.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to permit delay in the implementation of this subtitle or any amendment made by this subtitle.

(b) FUTURE AGREEMENTS.—(1) CONSULTATIONS.—Before entering into, on or after the date of the enactment of this Act, any postal treaty, convention, or other international agreement related to international postal services, or any amendment to such an agreement, that is related to the ability of the United States to secure the provision of advance electronic information by foreign postal operators, the Secretary of State should consult with the appropriate congressional committees (as defined in section 2402).

(2) EXPEDITED NEGOTIATION OF NEW AGREEMENT.—To the extent that any new postal treaty, convention, or other international agreement related to international postal services would improve the ability of the United States to secure the provision of advance electronic information by foreign postal operators as required by regulations prescribed under section 343(a)(3)(K) of the Trade Act of 2002, as amended by section 2401(a), the Secretary of State should expeditiously conclude such an agreement.

SEC. 2405. COST RECOVERY.

(a) IN GENERAL.—The United States Postal Service shall, to the extent practicable and otherwise recoverable by law, ensure that all costs associated with complying with this subtitle and amendments made by this subtitle are charged directly to foreign shippers or foreign postal operators.

(b) COSTS NOT CONSIDERED REVENUE.—The recovery of costs under subsection (a) shall not be deemed revenue for purposes of subchapter I and II of chapter 36 of title 39, United States Code, or regulations prescribed under that chapter.

SEC. 2406. DEVELOPMENT OF TECHNOLOGY TO DETECT ILICIT NARCOTICS.

(a) IN GENERAL.—The Postmaster General and the Commissioner of U.S. Customs and Border Protection shall conduct outreach to private sector entities to gather information regarding the current state of technology to identify areas for innovation, including the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States.

(b) OUTREACH TO PRIVATE SECTOR.—The Postmaster General and the Commissioner of U.S. Customs and Border Protection shall conduct outreach to private sector entities to gather information regarding the current state of technology to identify areas for innovation, including the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States.

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Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) is amended by adding at the end the following new subsection:

(1) The name and address of the violator.

(2) The term ‘‘authorized collector’’ means a narcotic treatment program, a hospital or other facility described in section 3401(a) of the Comprehensive Cancer Centers Act of 1971 (42 U.S.C. 2071 note) is amended in the section heading by inserting ‘‘ADVANCED’’ and inserting ‘‘ADVANCED’’.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

SEC. 2408. EFFECTIVE DATE; REGULATIONS.

(a) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle (other than the amendments made by section 2402) shall take effect on the date of the enactment of this Act.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, such regulations as are necessary to carry out this subtitle and the amendments made by this subtitle shall be prescribed.

TITLE II—ADMINISTRATIVE OFFICER

Subtitle A—Access to Increased Drug Disposal

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the ‘‘Access to Increased Drug Disposal Act of 2018’’.

SEC. 3102. DEFINITIONS.

In this subtitle—

(1) the term ‘‘Attorney General’’ means the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs; and

(2) the term ‘‘authorized collector’’ means a narcotic treatment program, a hospital or
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SEC. 3010. AUTHORITY TO MAKE GRANTS.
The Attorney General shall award grants to States to increase the participation of eligible collectors as authorized collectors.

SEC. 3011. USE OF GRANT FUNDS.
A State that receives a covered grant shall submit to the Attorney General an application indicating that, at a minimum—

(1) identifies the single State agency that oversees pharmaceutical care and will be responsible for complying with the requirements of the grant;

(2) details a plan to increase participation rates of eligible collectors as authorized collectors; and

(3) describes how the State will select eligible collectors to be served under the grant.

SEC. 3012. ELIGIBILITY FOR GRANT.
The Attorney General shall award a covered grant to 5 States, not less than 3 of which shall be States in the lowest quartile of States based on the participation rate of eligible collectors as authorized collectors, as determined by the Attorney General.

SEC. 3013. DURATION OF GRANTS.
The Attorney General shall determine the period of years for which a covered grant is made to a State.

SEC. 3014. ACCOUNTABILITY AND OVERSIGHT.
A State that receives a covered grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, that—

(1) lists the ultimate recipients of the grant amounts;

(2) describes the activities undertaken by the State using the grant amounts; and

(3) contains performance measures relating to the effectiveness of the grant, including changes in the participation rate of eligible collectors as authorized collectors.

SEC. 3015. DURATION OF PROGRAM.
The Attorney General may award covered grants for each of the first 5 fiscal years beginning after the date of enactment of this Act.

SEC. 3110. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this subtitle.

Subtitle B—Using Data To Prevent Opioid Diversion

SEC. 3201. SHORT TITLE.
This subtitle may be cited as the “Using Data to Prevent Opioid Diversion Act of 2018”.

SEC. 3202. PURPOSE.
(a) IN GENERAL.—The purpose of this subtitle is to provide drug manufacturers and distributors with access to anonymized information through the Automated Reports and Consolidated Orders System to help drug manufacturers and distributors identify, report, and stop suspicious orders of opioids and related controlled substances.

(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to abridge a drug manufacturer, drug distributor, or other Drug Enforcement Administration registrant from the responsibility of the manufacturer, distributor, or other registrant to—

(1) identify, stop, and report suspicious orders; or

(2) maintain effective controls against diversion in accordance with section 303 of the Controlled Substances Act (21 U.S.C. 833) or any successor law or associated regulation.

SEC. 3203. AMENDMENTS.
(a) RECORDS AND REPORTS OF REGISTRANTS.—Section 303 of the Controlled Substances Act (21 U.S.C. 833) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(2) by inserting after subsection (e) the following:

“(f) The Attorney General shall, not less frequently than quarterly, make the following information available to manufacturers, distributors, and other registrants:

(A) The total number of distributors identified, stopped, and reported by the Attorney General to States and other registrants, and the State receiving the list;

(B) The total quantity and type of opioids distributed, listed by Administration Controlled Substance Code Number, each pharmacy and practitioner registrant described in subparagraph (A);

(C) The information required to be made available under paragraph (1) shall be made available not later than the 15th day of the first month following the quarter to which the information relates.

(D) The State receiving a covered grant shall be responsible for reviewing the information made available by the Attorney General under this subsection.

(E) In determining whether to initiate proceedings under this title against a registrant or distributor based on the failure of the registrant to maintain effective controls against diversion, the Attorney General may take into account that the information made available under this subsection was available to the registrant.”;

and

(3) by inserting after subsection (k) the following:

“(l) The Attorney General shall, once a covered grant is awarded under this subtitle, every 6 months, prepare and make available to the Attorney General in accordance with section 307(f), the Attorney General shall submit to Congress a report that provides information about how the Attorney General is using data in the Automation of Reports and Consolidated Orders System to identify and stop suspicious activity, including whether the Attorney General is looking at aggregate orders from individual pharmacies to multiple distributors that in total exceed a suspicious activity threshold.

Subtitle C—Substance Abuse Prevention

SEC. 3301. SHORT TITLE.
This subtitle may be cited as the “Substance Abuse Prevention Act of 2018”.

SEC. 3302. REAUTHORIZATION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY.
(a) OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—

(1) IN GENERAL.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), as in effect on September 29, 2003, and as amended by the laws described in paragraph (2), is amended—

(2) LAWS DESCRIBED.—The laws described in this paragraph are:

(3) TITLE XI—OPIOID EPIDEMIC POLICY

Subtitle A—Opioid Policy

SEC. 1101. GRANTS TO STATES FOR DRUG DISTERIBUTION.
(a) IN GENERAL.—In each fiscal year, there is authorized to be appropriated to the Attorney General $500,000.
SEC. 3307. PROTECTING LAW ENFORCEMENT OFFICERS FROM ACCIDENTAL EXPOSURE.

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706), as amended by section 3308, is amended by adding at the end the following:

(a) IN GENERAL.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter $50,000,000 for each of fiscal years 2018 through 2022.

(b) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds appropriated to carry out this chapter may be used by the Office of National Drug Control Policy to pay administrative costs associated with the responsibilities of the Office under this chapter.

SEC. 3308. DRUG OVERDOSE RESPONSE STRATEGY.

Section 1024 of the National Narcotics LeadershipAct of 1988 (21 U.S.C. 1526a(a)) is amended by striking “2010” and inserting “2022.”

SEC. 3309. PROTECTING LAW ENFORCEMENT OFFICERS FROM ACCIDENTAL EXPOSURE.

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706), as amended by section 3308, is amended by adding at the end the following:

(a) IN GENERAL.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter $50,000,000 for each of fiscal years 2018 through 2022.

(b) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds appropriated to carry out this chapter may be used by the Office of National Drug Control Policy to pay administrative costs associated with the responsibilities of the Office under this chapter.

SEC. 3309. REAUTHORIZATION OF THE HIGH-INTEGRITY DRUG TRAFFICKING AREA PROGRAM.

Section 1001(a)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(2)(A)) is amended by striking “as provided in subparagraph (C), there is authority...” and inserting “2022.”

SEC. 3310. DRAFT COURT TRAINING AND TECHNICAL ASSISTANCE.

Section 705 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706) is amended by adding at the end the following—

(e) DRAFT COURT TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—Using funds appropriated to carry out this title, the Director may make grants to nonprofit organizations for the purpose of providing training and technical assistance to drug courts.

SEC. 3311. COMPREHENSIVE ADDICTION AND REHABILITATION CREATORS PROGRAM.

Title VII of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198; 190 Stat. 735) is amended by adding at the end the following:

(i) IN GENERAL.—The Attorney General may make grants to entities that focus on addiction and substance use disorders and specialize in family and patient services, advocacy for patients and families, and educational information.

SEC. 3312. COMPREHENSIVE ADDICTION AND REHABILITATION CREATORS PROGRAM.

SEC. 3313. PROTECTING CHILDREN WITH ADDICTED PARENTS.

Part D of title V of the Public Health Service Act (42 U.S.C. 256a et seq.) is amended by adding at the end the following:

SEC. 550. PROTECTING CHILDREN WITH ADDICTED PARENTS.

(a) BEST PRACTICES.—The Secretary, acting through the Assistant Secretary and in cooperation with the Commissioner of the Administration on Children, Youth and Families, shall collect and disseminate best practices and strategies to keep families affected by a substance use disorder together, when it can be done safely. Such best practices shall—

(1) utilize comprehensive family-centered approaches;

(2) ensure that families have access to drug screening, substance use disorder treatment, medication-assisted treatment approved by the Food and Drug Administration, and parental support; and

(3) build upon lessons learned from—

(1) programs such as the maternal, infant, and early childhood home visiting program under section 511 of the Social Security Act; and

(2) identifying substance abuse prevention and treatment services that meet the requirements for promising, supported,
well-supported practices specified in section 471(e)(4)(C) of the Social Security Act (as such section shall be in effect beginning on October 1, 2018).

"(b) GRANT PROGRAM.—The Secretary shall award grants to States, units of local government, and tribal governments to—

"(1) develop programs and models designed to keep pregnant and post-partum women who have a substance use disorder together with their newborns, including programs and models that provide for screenings of pregnant and post-partum women for substance use disorders, treatment interventions, supportive housing, nonpharmacological interventions for children born with neonatal abstinence syndrome, medication assisted treatment, and other recovery supports; and

"(2) support the attendance of children who have a family member living with a substance use disorder at therapeutic activities, drug treatment, and other recovery programs aimed at addiction prevention education and delaying the onset of first use, providing trusted mentors and education on coping strategies that these children can use in their daily lives, and family support initiatives aimed at keeping the families together.

SEC. 3314. REMUNERATION OF SUBSTANCE USE DISORDER TREATMENT PROFESSIONALS.

Not later than January 1, 2020, the Comptroller General of the United States shall submit to Congress a report examining how substance use disorder services are reimbursed.

SEC. 3315. SOBRIETY TREATMENT AND RECOVERY TEAMS (START).

Title V of the Public Health Service Act (42 U.S.C. 200d et seq.), as amended by section 3313, is further amended by adding at the end the following:

"SEC. 551. SOBRIETY TREATMENT AND RECOVERY TEAMS (START).

(f) P ROGRAM REQUIREMENTS.—A State, or any other entity carrying out the purposes of SSA Title XIX or Title XXI, shall—

"(1) Training eligible staff, including social workers, social services coordinators, child welfare specialists, substance use disorder treatment professionals, and mentors.

"(2) Expanding access to substance use disorder treatment services and drug testing.

"(3) Enhancing data sharing with law enforcement agencies, child welfare agencies, substance use disorder treatment providers, judges, and court personnel.

"(4) Program evaluation and technical assistance.

"(c) PROGRAM REQUIREMENTS.—A State, unit of local government, or tribal government receiving a grant under this section shall—

"(1) serve only families for which—

"(A) there is an open record with the child welfare agency; and

"(B) substance use disorder was a reason for the record or finding described in paragraph (1); and

"(2) coordinate any grants awarded under this section with any grant awarded under section 437(f) of the Social Security Act focused on improving outcomes for children affected by maternal substance use.

"(d) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of funds provided under this section to provide technical assistance on the establishment or expansion of programs funded under this section from the National Center on Substance Abuse and Child Welfare.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2018 through 2022, the Secretary is authorized to award not more than $10,000,000 of amounts otherwise appropriated to the Secretary for comprehensive opioid abuse reduction activities for purposes of carrying out this section.

SEC. 3316. PROVIDER EDUCATION.

Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall complete the plan related to medical registration coordination required by Senate Report 114–239, which accompanied the Veterans Care Financial Protection Act of 2017 (Public Law 115–131; 132 Stat. 334).

SEC. 3317. DEMAND REDUCTION.


"(1) by redesigning subparagraphs (f) through (j) as subparagraphs (g) through (k), respectively; and

"(2) by inserting after subparagraph (e) the following:

"(f) support for long-term recovery from substance use disorders;"

SEC. 3318. ANTI-DRUG MEDIA CAMPAIGN.


"(1) in the section heading, by striking "YOUTH";

"(2) in subsection (a)—

"(A) in the matter preceding paragraph (1), by striking "YOUTH";

"(B) in paragraph (1), by striking "young";

"(C) in paragraph (2), by striking "of adults of the impact of drug abuse on young people and inserting "among the population about the impact of drug abuse"; and

"(D) in paragraph (3), by striking "parents and other interested adults to discuss with young people" and inserting "interested persons to discuss"; and

"(3) in subsection (b)(2)(C)(ii), by striking "among youth".


"(1) in section 703(b)(3)(E) (21 U.S.C. 1702(b)(3)(E))—

"(A) in clause (i), by adding "and" at the end;

"(B) in clause (ii), by striking ";" and inserting a period;

"(C) by striking clause (iii);

"(2) in section 704 (21 U.S.C. 1703)—

"(A) in subsection (c)(3)(C)—

"(i) in clause (v), by adding "and" at the end;

"(ii) in clause (vi), by striking ";" and inserting a period; and

"(iii) by redesigning clause (vii); and

"(B) in subsection (f)—

"(i) by striking the first paragraph (5); and

"(ii) by striking the second paragraph (4); and


"(A) by striking clause (ix); and

"(B) by redesigning clauses (x) through (xv) as clauses (ix) through (xiii), respectively; and


Subtitle D—Synthetic Abuse and Labeling of Toxic Substances

SEC. 3401. SHORT TITLE.

This subtitle may be cited as the "Synthetic Abuse and Labeling of Toxic Substances Act of 2017.";

SEC. 3402. CONTROLLED SUBSTANCE ANALOGUES.

Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended—

"(1) by inserting "A controlled" and inserting "(a) General.—A controlled"; and

"(2) by adding at the end the following:

"(d) DETERMINATION.—In determining whether a controlled substance analogue was intended for human consumption under subsection (a), evidence related to the following factors may be considered, along with all other relevant evidence:

"(1) The marketing, advertising, and labeling of the substance.

"(2) The known efficacy or usefulness of the substance for the marketed, advertised, or labeled purpose.

"(3) The difference between the price at which the substance is sold and the price at which the substance is purported to be or advertised as is normally sold.

"(4) The diversion of the substance from legitimate channels and the existence of evidence that the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means.

"(c) LIMITATION.—For purposes of this section, the existence of evidence that a substance was not marketed, advertised, or labeled for human consumption shall not preclude the Government from establishing, based on all the evidence that the substance was intended for human consumption."

Subtitle E—Opioid Quota Reform

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the "Opioid Quota Reform Act".

SEC. 3502. STRENGTHENING CONSIDERATIONS FOR DEA OPIOID QUOTAS.

"(a) IN GENERAL.—Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended—

"(1) in subsection (a)—

"(A) by inserting "(1)" after "(a)"; and

"(B) in the second sentence, by striking "production" and inserting "except as provided in paragraph (2), production"; and

"(C) by adding at the end the following:

"(2) The Attorney General may, if the Attorney General determines it will assist in avoiding the overproduction, shortages, or diversion of a controlled substance, establish an aggregate or individual production quota under this subsection, or a procurement quota established by the Attorney General by regulation, in terms of pharmaceutical dosage forms prepared from or containing the controlled substance; and

"(2) by adding at the end the following:

"(i)(1)(A) In establishing any quota under this section, any evidence, that the quota established by the Attorney General by regulation, for fentanyl, oxycodone, hydrocodone, oxymorphone, or hydromorphone (in this subsection referred to as a "controlled substance"), the Attorney General shall estimate the amount of diversion of the covered controlled substance that occurs in the United States.

"(B) In establishing diversion under this paragraph, the Attorney General—
“(i) shall consider information the Attorney General, in consultation with the Secretary of Health and Human Services, determines reliable on rates of overdose deaths and address public health impact related to the covered controlled substance in the United States; and

(ii) may take into consideration whatever other information the Attorney General determines reliable.

“(C) After estimating the amount of diversion of a covered controlled substance, the Attorney General shall make appropriate the quota reductions, as determined by the Attorney General, from the quota the Attorney General determines is less than the amount of covered controlled substances that are submitted for collection from approved manufacturers in a reporting period, to the Congress for the following:

SEC. 312. SUSPICIOUS ORDERS.

(a) Reporting.—Each registrant shall—

(1) design and operate a system to identify suspicious orders; and

(2) ensure that the system designed and operational under paragraph (1) is included in any Federal and State privacy laws.

(b) SUSPICIOUS ORDER DATABASE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Attorney General shall establish a centralized database for collecting reports of suspicious orders.

(2) SATISFACTION OF REPORTING REQUIREMENTS.—A registrant reports a suspicious order to the system established under paragraph (1), the registrant shall be considered to have complied with the reporting requirements for reporting suspicious orders.

(c) SHARING INFORMATION WITH THE STATES.—

(1) IN GENERAL.—The Attorney General shall establish a sharing information with the States, including the following:

(2) TIMING.—The Attorney General shall establish a sharing information with the States, including the following:

(3) COORDINATION.—In establishing the sharing information with the States, the Attorney General shall consult with the States regarding sharing information with the States weave designed and operated under paragraphs (1) and (2) in the States.

(4) TERMINATION.—The Attorney General shall terminate the sharing information with the States, including the following:

C. The Attorney General shall provide a written report to the Congress on the sharing information with the States, including the following:

Sec. 3601. SHORT TITLE.

This title may be cited as the “Preventing Drug Diversion Act of 2019.”

Sec. 3602. IMPROVEMENTS TO PREVENT DRUG DIVERSION.

(a) DEFINITION.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

(b) An order of a controlled substance deviating substantially from a normal pattern; and

(2) ensure that the system designed and operated under paragraph (1) is included in any Federal and State privacy laws.

(b) SUSPICIOUS ORDER DATABASE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Attorney General shall establish a centralized database for collecting reports of suspicious orders.

(2) SATISFACTION OF REPORTING REQUIREMENTS.—A registrant reports a suspicious order to the system established under paragraph (1), the registrant shall be considered to have complied with the reporting requirements for reporting suspicious orders.

(c) SHARING INFORMATION WITH THE STATES.—

(1) IN GENERAL.—The Attorney General shall establish a sharing information with the States, including the following:

(2) TIMING.—The Attorney General shall establish a sharing information with the States, including the following:

(3) COORDINATION.—In establishing the sharing information with the States, the Attorney General shall consult with the States regarding sharing information with the States weave designed and operated under paragraphs (1) and (2) in the States.

(4) TERMINATION.—The Attorney General shall terminate the sharing information with the States, including the following:

C. The Attorney General shall provide a written report to the Congress on the sharing information with the States, including the following:

Sec. 3601. SENSE OF CONGRESS.

It is the sense of Congress that:

(1) it is important that Congress provide a description of the system and reports that would result in market disruptions for legitimate orders of opioids; and

(2) would reduce the overall length of an investigation that prevents the diversion of suspicious orders of opioids.

Sec. 3701. SENSE OF CONGRESS.

It is the sense of Congress that:

(1) it is important that Congress provide a description of the system and reports that would result in market disruptions for legitimate orders of opioids; and

(2) would reduce the overall length of an investigation that prevents the diversion of suspicious orders of opioids.

Subtitle G—Sense of Congress
SEC. 4104. DEPARTMENT OF TRANSPORTATION PUBLIC DRUG AND ALCOHOL TESTING DATABASE.

(a) In general.—Subject to subsection (c), the Secretary of Transportation shall—

(1) no later than 180 days after the date of enactment of this Act, establish and make publicly available on its website a database of the drug and alcohol testing data reported by employers for each mode of transportation;

(2) update the database annually.

(b) Contents.—The database under subsection (a) shall include—

(1) the number of drug and alcohol tests by type of test and by mode of transportation;

(2) the drug and alcohol test results by type of test and by mode of transportation;

(3) the reason for the drug or alcohol test, such as pre-employment, random, post-accident, reasonable suspicion or cause, return-to-duty, follow-up, by type of substance tested; and

(4) the number of individuals who refused testing.

(c) Commercially Sensitive Data.—The Department of Transportation shall not provide any other data from the database to an employer who requests such data unless the data is aggregated or otherwise in a form that does not identify the employer providing the data.

(d) Savings Clause.—Nothing in this section may be construed as limiting or otherwise affecting the requirements under the Fixing America’s Surface Transportation Act regarding—

(1) maintaining the confidentiality or consistency of the data described in subsection (a); and

(2) prohibiting the disclosure of the data described in subsection (a).

SEC. 4105. GAO REPORT ON DEPARTMENT OF TRANSPORTATION’S COLLECTION AND USE OF DRUG AND ALCOHOL TESTING DATA.

(a) In general.—Not later than 2 years after the date the Department of Transportation promulgates regulations under section 4101 of the Fixing America’s Surface Transportation Act, the Comptroller General of the United States shall—

(1) review the Department of Transportation’s program for drug and alcohol testing and management information system and submit a report to the Committee on Commerce, Science, and Transportation of the Senate; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of the Mandatory Guidelines for Federal Workplace Drug Testing Programs as revised by the Secretary of Health and Human Services under subsection (a).

(b) Minimum contents.—The report under subsection (a) shall include—

(1) a description of the process the Department of Transportation uses to collect and record drug and alcohol testing data submitted by employers for each mode of transportation;

(2) an assessment of whether and, if so, how the Department of Transportation uses the data described in paragraph (1) in carrying out its responsibilities; and

(3) an assessment of whether the Department of Transportation public drug and alcohol testing database under section 4101.

(c) Recommendations.—The report under subsection (a) may include recommendations regarding—

(1) how the Department of Transportation can best use the data described in subsection (b)(1);

(2) any improvements that could be made to the process described in subsection (b)(1);

(3) whether, and if so, how the Department of Transportation uses the alcohol and drug testing database under section 4101 could be made more effective; and

(4) such other recommendations as the Comptroller General considers appropriate.

SEC. 4106. TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM; ADDITION OF FENTANYL.

(a) Mandatory Guidelines for Federal Workplace Drug Testing Programs.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall determine whether the opioid category on the list of authorized drug testing to include fentanyl is justified, based on the reliability and cost-effectiveness of available testing.

(b) Revision of Guidelines.—If the expansion of the opioid category is determined to be justified under subsection (a), the Secretary of Health and Human Services shall—

(1) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expansion of the opioid category on the list of authorized drug testing to include fentanyl;

(2) provide notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of authorized drug testing programs to include fentanyl; and

(3) require employers to use the opioid category on the list of authorized drug testing to include fentanyl.

(c) Deadline.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of authorized drug testing programs to include fentanyl; and

(d) Priority.—The Secretary of Health and Human Services shall ensure that the opioid category on the list of authorized drug testing programs to include fentanyl is among the highest priority categories for drug testing.

SEC. 4107. STATUS REPORTS ON HAIR TESTING.

(a) In general.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the status of the hair testing guidelines; and

(2) the status of the hair testing guidelines under section 4101.

(b) Contents.—The report under subsection (a) may include—

(1) an explanation of why the hair testing guidelines have not been issued; and

(2) an estimated date of completion of the hair testing guidelines.

(c) Requirement.—The report under subsection (a) shall be submitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 12 months after the date of enactment of this Act.

(d) Deadline.—Not later than December 31, 2018, the Secretary of Health and Human Services shall publish in the Federal Register a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to add hair testing to the list of authorized drug testing programs.

(e) Requirement.—To the extent practicable and consistent with the objective of reducing workplace drug testing to a minimum, the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining, in detail, the reasons the expansion of the opioid category on the list of authorized drugs to include fentanyl is not justified.

SEC. 4108. MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS USING ORAL FLUID.

(a) Deadline.—Not later than December 31, 2018, the Secretary of Health and Human Services shall publish in the Federal Register a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Oral Fluid, based on the notice of scientific and technical guidelines under section 4101.
(1) OPIOID TREATMENT PRODUCT.—The term ‘‘opiod treatment product’’ means a product, including any supplement or medication, for use or marketed for use in the treatment, cure, or prevention of an opioid use disorder.

(2) OPIOID TREATMENT PROGRAM.—The term ‘‘opiod treatment program’’ means a program or combination of treatment for people diagnosted with, having, or purporting to have an opioid use disorder.

(3) OPIOID USE DISORDER.—The term ‘‘opioid use disorder’’ means a cluster of cognitive, behavioral, or physiological symptoms in which the individual continues use of opioids despite significant opioid-induced problems, such as drug tolerance or dependence.

SEC. 4203. FALSE OR MISLEADING REPRESENTATIONS WITH RESPECT TO OPIOID TREATMENT PROGRAMS AND PRODUCTS.

(a) UNLAWFUL ACTIVITY.—It is unlawful to make any deceptive representation with respect to the cost, price, efficacy, performance, benefit, risk, or safety of any opioid treatment program or opioid treatment product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(2) POWERS OF THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission may, (i) in general, bring a civil action under paragraph (1) to enjoin a person who violates subsection (a), (ii) intervene in any civil action brought by attorneys general, (iii) serve the following:

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—Except as provided in clause (ii), the attorney general of a State may, in any case in which the attorney general believes that a person who violates subsection (a) has caused injury to the residents of the State, bring a civil action under paragraph (1) to enjoin such person from engaging in unfair or deceptive acts or practices.

(2) RIGHTS OF FEDERAL TRADE COMMISSION.—

(A) NOTICE TO FEDERAL TRADE COMMISSION.—(i) In general.—Except as provided in clause (ii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(B) NOTICE TO FEDERAL TRADE COMMISSION.—(i) In general.—Except as provided in clause (ii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(C) NOTICE TO FEDERAL TRADE COMMISSION.—(i) In general.—Except as provided in clause (ii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(D) NOTICE TO FEDERAL TRADE COMMISSION.—(i) In general.—Except as provided in clause (ii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

 SEC. 4204. FALSE OR MISLEADING REPRESENTATIONS WITH RESPECT TO OPIOID TREATMENT PROGRAMS AND PRODUCTS.

(a) UNLAWFUL ACTIVITY.—It is unlawful to make any deceptive representation with respect to the cost, price, efficacy, performance, benefit, risk, or safety of any opioid treatment program or opioid treatment product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(c) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—Except as provided in clause (ii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action.

(d) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Federal Trade Commission or the Food and Drug Administration under any other provision of law.

SEC. 4205. OPIOID TREATMENT PROGRAMS AND PRODUCTS.

(a) IN GENERAL.—In the case of a covered sports medicine professional who has in effect additional professional liability insurance coverage and provides in a secondary State covered medical services that are within the scope of practice of such professional in the primary State to an athlete or an athletic team (or a staff member of such an athlete or athletic team) pursuant to an agreement described in subsection (c)(4)(B) with respect to such athlete or athletic team—

(1) such medical professional liability insurance coverage shall cover (subject to any  

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related premium adjustments) such professional with respect to such covered medical services provided by the professional in the secondary State to such an individual or team. Such services or such professionals; or (2) to superease any interstate compact agreement in effect between the two States regarding such services or such professionals; or (3) to superease a licensure exemption the State in the secondary State provides for sports medicine professionals licensed in the primary State.

c. DEFINITIONS.—In this Act, the following definitions apply:

(1) ATHLETE.—The term ‘‘athlete’’ means—

(A) an individual participating in a sporting event or activity for which the individual may be paid; or

(B) an individual participating in a sporting event or activity sponsored or sanctioned by a national governing body; or

(C) for which a high school or an institution of higher education provides a covered sports medicine professional.

(2) ATHLETIC TEAM.—The term ‘‘athletic team’’ means—

(A) composed of individuals who are paid to participate on the team; or

(B) composed of individuals who are participating in a sporting event or activity sponsored or sanctioned by a national governing body; or

(C) for which a high school or an institution of higher education provides a covered sports medicine professional.

(3) COVERED MEDICAL SERVICES.—The term ‘‘covered medical services’’ means general medical care, emergency medical care, athletic training, or physical therapy services. Such term does not include care provided by a covered sports medicine professional—

(A) to an athlete; or

(B) while a health care provider licensed to practice in the secondary State is transporting the injured individual to a health care facility.

(4) COVERED SPORTS MEDICINE PROFESSIONAL.—The term ‘‘covered sports medicine professional’’ means a physician, athletic trainer, or other health care professional who—

(A) is licensed to practice in the primary State; or

(B) provides covered medical services, pursuant to a written agreement with an athlete, a national governing body, a high school, or an institution of higher education; or

(C) prior to providing the covered medical services described in subparagraph (B), has disclosed the nature and extent of such services to the entity that provides the professional with liability insurance in the primary State.

(5) HEALTH CARE FACILITY.—The term ‘‘health care facility’’ means a facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis. Such term does not include facilities at an arena, stadium, or practice facility, or temporary facilities existing for events where athletes or athletic teams may compete.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘‘institution of higher education’’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) LICENSE.—The term ‘‘license’’ or ‘‘licensure’’, as applied with respect to a covered sports medicine professional, means a professional that has met the requirements and is approved to provide covered medical services in accordance with State laws and regulations in the primary State. Such term may include the registration or certification, or any other form of special recognition, of an individual as such a professional, as applicable.

(8) NATIONAL GOVERNING BODY.—The term ‘‘national governing body’’ has the meaning given such term in section 23501 of title 36, United States Code.

(9) PRIMARY STATE.—The term ‘‘primary State’’ means, with respect to a covered sports medicine professional, the State in which—

(A) the covered sports medicine professional is licensed to practice; and

(B) the majority of the covered sports medicine professional’s practice is underwritten by liability insurance coverage.

(10) SECONDARY STATE.—The term ‘‘secondary State’’ means, with respect to a covered sports medicine professional, any State that is not the primary State.

(11) STATE.—The term ‘‘State’’ means each of the several States, the District of Columbia, and each commonwealth, territory, or possession of the United States.

(12) SUBSTANTIALLY SIMILAR.—The term ‘‘substantially similar’’, with respect to the licensure by primary and secondary States of a sports medicine professional, means that both the primary and secondary States have in place a form of licensure for such professionals that permits such professionals to provide covered medical services.

TO CONSTITUTE THE MAJORITY PARTY’S MEMBERSHIP ON CERTAIN COMMITTEES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 623, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 623) to constitute the majority party’s membership on certain committees for the One Hundred Fifteenth Congress, or until their successors are chosen.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered laid and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 623) was agreed to.

The resolution (S. Res. 623) was agreed to.

The resolution (S. Res. 623) was printed in today’s Record under “Submitted Resolutions.”
September 6, 2018

CONGRESSIONAL RECORD — SENATE

S6101

INTERIOR, ENVIRONMENT, FINANCIAL SERVICES AND GENERAL GOVERNMENT, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS ACT, 2019

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate the message to accompany H.R. 6147.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 6147) entitled “An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.”, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Messrs. Frelinghuysen, Adherholt, Rogers of Kentucky, Mrs. Roby, Mrs. Lowey, Mrs. Vislosky, Maess, DeLauro, Roybal-Alard, and McCollum, be the managers of the conference on the part of the House.

COMPUND MOTION

Mr. McCONNELL. I move that the Senate insist on its amendment, agree to the request of the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate at a ratio of 4 to 3. I know of no further debate on the motion.

The PRESIDENT PRO Tempore. The motion was agreed to.

APPOINTMENT OF CONFEREES

The PRESIDENT PRO Tempore. The Chair appoints the following conferees on the part of the Senate.

The President appointed Mr. Shelby, Mr. Blunt, Mr. Graham, Mr. Moran, Mr. Durbin, Mrs. Murray, and Mr. Leahy conferees on the part of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1001, 1002, 1003 and all nominations placed on the Secretary’s desk in the Foreign Service; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table en bloc; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate’s action; that no further motions be in order; that any statements related to the nominations be printed in the Record; that the PRESIDING OFFICER, Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

In the Department of State

Randy W. Berry, of Colorado, 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 Federal Democratic Republic of Nepal.

Donald Lu, of California, 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 Maldives.

Alaina B. Teplitz, of Colorado, 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 Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Maldives.

NOMINATIONS PLACED ON THE SECRETARY’S DESK

IN THE FOREIGN SERVICE

PN1743 FOREIGN SERVICE nominations (27) beginning Michael Calvert, and ending Marvin Smith, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2018.

PN1800—1 FOREIGN SERVICE nominations (12) beginning Polly Catherine Dunford-Zahar, and ending William M. Patterson, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1800—2 FOREIGN SERVICE nomination of Danilo A. Urquiza, which nomination was received by the Senate and appeared in the Congressional Record of April 9, 2018.
S6102

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PN1801—1 FOREIGN SERVICE nominations (4) beginning Sandillo Banerjee, and ending Robert Peaselee, which nominations were received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1802—1 FOREIGN SERVICE nomination of Peter A. Malnak, which was received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN1802—2 FOREIGN SERVICE nomination of Maureen A. Shauket, which was received by the Senate and appeared in the Congressional Record of April 9, 2018.

PN2132 FOREIGN SERVICE nomination of Jason Alexander, which was received by the Senate and appeared in the Congressional Record of July 18, 2018.

PN2137 FOREIGN SERVICE nominations (7) beginning Ami J. Abou-Bakr, and ending Emily Yu, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 2018.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now legislate session.

SAGE-GROUSE AND MULE DEER HABITAT CONSERVATION AND RESTORATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 1417 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1417) to require the Secretary of the Interior to develop a categorical exclusion for covered vegetation management activities carried out to establish or improve habitat for greater sage-grouse and mule deer, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Hatch amendment at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 4012) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

1. SHORT TITLE.

This Act may be cited as the “Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2017.”

2. DEFINITIONS.

In this Act:

(A) IN GENERAL.—The term “covered vegetation management activity” means any activity described in subparagraph (B) that—

(i) is carried out on public land administered by the Bureau of Land Management;

(ii) meets the objectives of the order of the Secretary numbered 3336 and dated January 5, 2015;

(iii) conforms to an applicable land use plan;

(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—


(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

(v) will not permanently impair—

(I) the natural state of the treated area;

(II) outstanding opportunities for solitude;

(III) outstanding opportunities for primitive, unconfined recreation;

(IV) economic opportunities consistent with multiple-use management; or

(V) the identity, values of a unit of the National Landscape Conservation System; and

(vi) restores native vegetation following a natural disturbance;

(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

(aa) juniper, pinyon pine, or other associated conifers; or

(bb) nonnative or invasive vegetation;

(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

(IV) provides emergency stabilization of soil resources after a natural disturbance.

(B) DESCRIPTION OF ACTIVITIES.—An activity referred to in subparagraph (A) is—

(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

(iv) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

(v) collection or planting of nonnative vegetation for the purpose of emergency stabilization;

(vi) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

(viii) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

(ix) in coordination with the affected permit holder, modification or adjustment of permissible use under an annual plan of use of a grazing permit issued by the Secretary to achieve restoration treatment objectives;

(x) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or

(xi) any necessary maintenance of, repairs to, rehabilitation, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

(C) EXCLUSION.—The term “covered vegetation management activity” does not include—

(i) any activity conducted in a wilderness area or wilderness study area; or

(ii) any activity for the construction of a permanent road or permanent trail.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TEMPORARY ROAD.—The term “temporary road” means a road that is—

(A) authorized—

(i) by a contract, permit, lease, or other written authorization; or

(ii) pursuant to an emergency operation;

(B) not intended to be part of the permanent transportation system of a Federal department or agency;

(C) not necessary for long-term resource management; or

(D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—

(i) safety;

(ii) the cost of transportation; and

(iii) impacts to land and resources; and

(E) managed to minimize—

(i) erosion and

(ii) the introduction or spread of invasive species.

SEC. 3. IMPROVEMENT OF HABITAT FOR GREATER SAGE-GROUSE AND MULE DEER.

(a) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop 1 or more categorical exclusions (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer.

(2) ADMINISTRATION.—In developing and administering a categorical exclusion under paragraph (1), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion; and

(C) consider—

(i) the relative efficacy of landscape-scale habitat projects;

(ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and

(iii) the need for habitat restoration activities after wildfire or other natural disturbances.

(b) IMPLEMENTATION OF COVERED VEGETATION MANAGEMENT ACTIVITIES WITHIN THE RANGE OF GREATER SAGE-GROUSE AND MULE DEER.—If a categorical exclusion developed under subsection (a) is used to implement a covered vegetation management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetation management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

(c) LONG-TERM MONITORING AND MAINTENANCE.—Before commencing any covered vegetation management activity that is covered by a categorical exclusion under subsection (a), the Secretary shall develop a long-term monitoring and maintenance plan, covering at least the 20-year-period beginning on the date of the Act to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

(d) DISPOSAL OF VEGETATIVE MATERIAL.—Subject to applicable local restrictions, any vegetative material resulting from a covered...
vegetation management activity that is covered by a categorical exclusion under subsection (a) may be—

(1) used for—
(A) fuel wood; or
(B) other products; or

(2) piled or burned, or both.

(e) TREATMENT FOR TEMPORARY ROADS.—

(1) IN GENERAL.—Notwithstanding section 2(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by a categorical exclusion under subsection (a)—

(A) shall be used by the Secretary for the covered vegetation management activity for not more than 2 years; and

(B) shall be decommissioned by the Secretary not later than 3 years after the earlier of the date on which—

(i) the temporary road is no longer needed; and

(ii) the project is completed.

(2) REQUIREMENT.—A treatment under paragraph (1) shall include reestablishing native vegetative cover—

(A) as soon as practicable; but

(B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

The bill (S. 1417), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

TRIBAL SOCIAL SECURITY FAIRNESS ACT OF 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 624, which is at the desk.

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

The legislative clerk read as follows:

A bill (H.R. 624) to amend title II of the Social Security Act to authorize voluntary agreements for coverage of Indian tribal council member, and for other purposes.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time, passed and laid upon the table with no intervening action or debate.

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

The bill (H.R. 624) was ordered to read a third time, was read the third time, and passed.

GREAT LAKES ENVIRONMENTAL SENSITIVITY INDEX ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 255, S. 1586.

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

The legislative clerk read as follows:

A bill (S. 1586) to require the Under Secretary for Oceans and Atmospheric Administration to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Purpose: In the nature of a substitute.)

SECTION 1. SHORT TITLE.

This Act may be cited as the “Great Lakes Environmental Sensitivity Index Act of 2017”.

SEC. 2. UPDATE TO ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FOR GREAT LAKES.

(a) UPDATE REQUIRED ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS FOR GREAT LAKES.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Oceans and Atmospheric Administration shall commence updating the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes.

(b) PERIODIC UPDATES FOR ENVIRONMENTAL SENSITIVITY INDEX PRODUCTS GENERALLY.—Subject to the availability of appropriations and the priorities set forth in subsection (c), the Under Secretary shall—

(1) periodically update the environmental sensitivity index products of the Administration; and

(2) endeavor to do so not less frequently than once every 5 years.

(c) PRIORITIES.—When prioritizing geographic areas to update environmental sensitivity index products, the Under Secretary shall consider—

(1) the age of existing environmental sensitivity index products for the areas;

(2) the occurrence of extreme events, be it natural or man-made, which have significantly altered the shoreline or ecosystem since the last update;

(3) the natural variability of shoreline and coastal environment; and

(4) the volume of vessel traffic and general vulnerability to spilled pollutants.

(d) ENVIRONMENTAL SENSITIVITY INDEX PRODUCT DEFINED.—In this subsection, the term “environmental sensitivity index product” means a map or similar tool that is utilized to identify sensitive shoreline, coastal or offshore, resources prior to an oil spill event in order to set baseline priorities for preparation and plan cleanup strategies, typically including information relating to shoreline type, biological resources, and human use resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Under Secretary $7,500,000 to carry out subsection (a)

(2) AVAILABILITY.—An amount appropriated or otherwise made available pursuant to paragraph (1) shall be available to the Under Secretary for the purposes set forth in such paragraph until expended.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to and the bill, as amended, be considered read a third time.

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

The committee-reported amendment to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 522) designating the week of September 23 through September 29, 2018 as “Gold Star Families Remembrance Week.”

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 522) was agreed to.

The preamble was agreed to.

The resolution (with its preamble, is printed in the RECORD of May 24, 2018, under “Submitted Resolutions.”)

SCHOOL BUS SAFETY MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate proceed to the consideration of S. Res. 623.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 623) designating September 2018 as “School Bus Safety Month.”

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 623) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is printed in the RECORD of August 1, 2018, under “Submitted Resolutions.”

NATIONAL CHILD AWARENESS MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged
from further consideration of S. Res. 612 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 612) designating September 2018 as “National Child Awareness Month” to promote awareness of charities that benefit children and youth-serving organizations throughout the United States and recognizing the efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 302 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 302) to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Alexander amendment at the desk be agreed to, the bill be considered read a third time and passed, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 612) was agreed to.

The amendment (No. 4014) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the Sports Medicine Licensure Clarity Act of 2017.

SEC. 2. PROTECTIONS FOR COVERED SPORTS MEDICINE PROFESSIONALS.

(a) In General.—In the case of a covered sports medicine professional who has in effect medical professional liability insurance coverage and provides in a secondary State covered medical services that are within the scope of practice of such professional in the primary State to an athlete or an athletic team (or a staff member of such an athlete or athletic team) pursuant to an agreement described in subsection (c)(4) with respect to such athlete or athletic team—

(1) such medical professional liability insurance coverage shall cover (subject to any related premium adjustments) such professional with respect to such covered medical services provided by the professional in the secondary State to such an individual or team as if such services were provided by such professional in the primary State to such an individual or team; and

(2) to the extent such professional is licensed under the requirements of the primary State to provide such services to such an individual or team, the professional shall be treated as if the licensure requirements of the secondary State are substantially similar to the licensure requirements of the primary State.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to allow a covered sports medicine professional to provide medical services in the secondary State that exceed the scope of the professional’s license in the primary State;

(2) to allow a covered sports medicine professional to provide medical services in the secondary State that exceed the scope of a substantially similar sports medicine professional license in the secondary State;

(3) to supersede any reciprocity agreement in effect between the two States regarding such services or such professionals;

(4) to supersede any interstate compact agreements entered into by the two States regarding such services or such professionals; or

(5) to supersede a licensure exemption the secondary State provides for sports medicine professionals licensed in the primary State.

(c) DEFINITIONS.—In this Act, the following definitions apply:

(1) ATHLETE.—The term “athlete” means—

(A) an individual participating in a sporting event or activity for which the individual may be paid; (B) an individual participating in a sporting event or activity sponsored or sanctioned by a national governing body; or

(C) an individual for whom a high school or institution of higher education provides a covered sports medicine professional.

(2) ATHLETIC TEAM.—The term “athletic team” means a sports team—

(A) composed of individuals who are paid to participate on the team; (B) composed of individuals who are participating in a sporting event or activity sponsored or sanctioned by a national governing body; or

(C) for which a high school or institution of higher education provides a covered sports medicine professional—

(A) at a health care facility; or

(B) while a health care provider licensed to practice in the secondary State is transporting the injured individual to a health care facility.

(3) COVERED SPORTS MEDICINE PROFESSIONAL.—The term “covered sports medicine professional” means a physician, athletic trainer, or other health care professional who—

(A) is licensed to practice in the primary State;

(B) provides covered medical services, pursuant to a written agreement with an athlete, an athletic team, a national governing body, a high school, or an institution of higher education; and

(C) while providing the covered medical services described in subparagraph (B), has disclosed the nature and extent of such services to the entity that provides the professional liability insurance in the primary State.

(4) HEALTH CARE FACILITY.—The term “health care facility” means a facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis. Such term does not include facilities at an arena, stadium, or practice facility, or temporary facilities existing for events where athletes or athletic teams may compete.

(5) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) LICENSE.—The term “license” or “licensure”, as applied with respect to a covered sports medicine professional, means a professional that has met the requirements and is approved to provide covered medical services in accordance with State laws and regulations in the primary State. Such term may include the registration or certification, or any other form of special recognition, of an individual as such a professional, as applicable.

COMMEMORATING ARTHUR ASHE ON THE 50TH ANNIVERSARY OF HIS GUARDIANSHIP IN THE 1968 U.S. OPEN TENNIS CHAMPIONSHIP AND HONORING HIS HUMANITARIAN CONTRIBUTIONS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 624, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 624) commemorating Arthur Ashe, a native of Richmond, Virginia, on the 50th anniversary of his historic win at the 1968 U.S. Open Tennis Championship and honoring his humanitarian contributions to civil rights, education, the movement against apartheid in South Africa, and HIV/AIDS awareness.

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

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

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

The resolution (S. Res. 624) was agreed to.

The resolution (with its preamble, is printed in the RECORD of August 22, 2018, under “Submitted Resolutions.”)
ORDERS FOR FRIDAY, SEPTEMBER 7, 2018, THROUGH WEDNESDAY, SEPTEMBER 12, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Friday, September 7, at 9 a.m.; and Tuesday, September 11, at 5 p.m.

The amendment was ordered to be engrossed and the bill to be read a second time.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 5:35 p.m., adjourned until Friday, September 7, 2018, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

METROPOLITANWASHINGTONAIRPORTS AUTHORITY

WILLIAM SHAW MCCONNELL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2024. VICE NINA MITCHELL WELLS, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

RAYMOND DAVID VIERA, OF TEXAS, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE. VICE JONATHAN B. JARVIS.

ENVIRONMENTAL PROTECTION AGENCY

ALEXANDRA DAPOLITO DUNN, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY. VICE JAMES J. JONES.

DEPARTMENT OF STATE

DENNIS WALTER HEARNE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF 1975, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO THE REPUBLIC OF MOZAMBIQUE.

UNITED STATES POSTAL SERVICE

RON A. BLOOM, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 3, 2024. VICE MURRAY D. BARNETT, TERM EXPIRED.

PORTO MARTINEZ IV, OF FLORIDA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 3, 2024. VICE JAMES C. MILLER III, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 1285:

To be brigadier general

COL. DAVID P. GARFIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES AIR FORCE ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 2933(b) and 2934(a):

To be major

ERIC D. BARGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DILJAN K. GIBLERT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

CHRISTOPHER G. HONSFIELD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

JOHN W. KINNEAR

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

JAMES J. JONES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

PETER E. KROUCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

BRIAN G. KOYN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

JASON W. NAPIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

SCOTT A. MONSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

JUSTIN A. MCPEAK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

EARL D. HILDEBRAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

JONATHAN C. BROOKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

PEDRO O. AGAPAY III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

MICHAEL W. SPIKES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 654:

To be lieutenant colonel

METHODOLOGY AND EXECUTION: A CASE STUDY OF THE 2020 PRESIDENTIAL ELECTIONS

By JOSHUA H. GOLDSMITH

This is a case study of the 2020 presidential election, focusing on methodology and execution. The analysis is based on data from various sources, including social media, surveys, and official records. The study aims to provide insights into the impact of different strategies employed by candidates and their campaigns.
To be lieutenant colonel

JAIMI D. BIRMINGHAM

The following named officers for regular appointment in the grade indicated in the United States Army under title 10, U.S.C., section 53:

To be lieutenant colonel

JEFF A. BLACKARD
STEPHEN A. HOBRETT

To be major

JASON A. FERGUSON

To be lieutenant commander

CLAUDIA L. ALDAY
CLAUDIA C. G. BORN
AMANDA B. BATTARO
NICHOLAS A. DEVORAK
ZACHARY M. FRANKLIN
SAMANTHA M. GRECO
MOLLIE C. GREENLAND
ANDREW J. GRISH
ANGELA S. HAMILTON
OLIVIA J. JONES
DOUGLAS L. LIPSE
VETERAN S. MCCLAUGHLIN
JANNIE R. MILLER
REY A. MOORE
DAVID J. MUNDELL
DEBORAH NOLAN
LUIS ORTEZ IV

ABRAHAM S. FACHROL
KAYLOR V. PARASKEVOPoulos
TOMAS J. REICHERT

To be second lieutenant

BRIAN J. BURTON
CHRISTOPHER S. WOOTEN

The following named officers for regular appointment in the grade indicated in the United States Army under title 10, U.S.C., section 53:

To be first lieutenant

HUGO I. RUIZ

IN THE NAVY

Michael R. Fluszy

The following named officers for regular appointment in the grade indicated in the United States Navy under title 10, U.S.C., section 53:

To be lieutenant commander

DABIN M. ANDREWS
MICHAEL A. BEEKMANN, JR.
CONRAD M. HICKINGS
NICHOLAS D. BITTO
IAN J. CAMPBELL
BENJAMIN O. CARROLL
BENJAMIN E. CAVER
KRISTIAN J. CASOLA
LADISLAU A. COTTILL
MICHAEL R. CHIDCH
GREGOIRE J. DEBUTE
MATTHEW J. ENGELHART

To be lieutenant commander

KIRA L. DEVERS-JONES
DANIEL J. DEUTSCH
JEFFREY R. DENZEL
ACHALA E. DENNISON
JEFFREY J. DELIZ
STEVEN M. DELEOIBUS
STEVEN M. DEGROOT
DAVID E. DARRELL
CHRISTOPHER M. DANIELCZYK
JOSEPH F. DANIEL
TRENTON M. DAIUTO
GRANT C. W. DAISS
WILLIAM J. CURTIN, JR.
SAMUEL L. CURLEE
JOHN P. CULLITON
KELCEY J. CRUSER
ROBERT D. CROSBY
THOMAS A. CRISP
BRIAN A. CRAMER
BENJIMAN D. COYLE
MAILE E. CORNISH
DWIGHT J. CORNISH
JOSHUA L. CORNELIUS
KYLE R. COPELAND
BRETT A. COPARE
DAVID M. COOPER
ADAM B. COOK
REBECCA M. CONTIVOCK
RYAN W. COLLINSMINKEL
JOHN C. COLLINS II
JASON M. COLLINS
RYAN W. COLLINSMINKEL
EMILY S. E. CONA
FRANK W. CONA
MIRANDA D. COONEY
REBECCA M. COTTON
ADAM R. COPPER
MATTHEW J. CORBETT
STEVEN J. COSTELLO
DAVID M. COOPER
BRENT A. COOPER
KYLE R. COPELAND
ETHAN COFMARK
JOSHUA L. CORNELIUS
DWAYT J. CORNISH
MAILE E. CORNISH
JOSHUA S. COWANT
BENJAMIN D. COYLE
JUSTIN G. CRABB
BRIAN A. CRAINER
STEPHEN H. CRANNEY
THOMAS A. CRISP
ROBERT D. CROSBY
KELSEY T. CRUMB
JOHN F. CULLISS
SAMUEL A. CRUZ
WILLIAM J. CURTIS, JR.
JOSEPH C. CUSHERI
KELSEY M. CUSTARD
GRANT C. W. DAIS
THOMAS M. DAOY
CHRISTIAN A. DANIELO
CHARLES R. DANIEL
JOSEPH F. DANIEL
CHRISTOPHER M. DANIELCYK
KURTIS R. DASON
J-da BRANDON
DAVID R. DABBE
STEVEN M. DAVIES
JASON C. DESJEURS
ANDREW N. DIKOY
SHAWN M. DELANEY
STEVEN M. DEMENT
JEFFREY J. DELIZ
PHILIP M. DEMOUL
ANDREW R. DERNON
JEFFREY R. DERSHL
JACOBY J. DENTCH
KIRA L. DEVINS-JONES

NICHOLAS M. TAYLOR
DAVID B. WILSON
BARRY J. WURTZ

The following named officers for appointment to the grade indicated in the United States Navy under title 10, U.S.C., section 53:

To be lieutenant commander

BRAD J. BRINKLEY
OWEN E. BROOKS III
BRYCE F. BROWN
RUSSELL A. BROWN
GLENN M. BUDDICK
TIMOTHY A. BURRIN
MARK S. BURGUND
DOUGLAS L. M. BURDICK
WILLIAM H. BURKE
ANDREW B. BURG
CHRISTIAN M. BURNETT
DEREK A. BURNS
MATTHEW S. BUSH
JOHN P. BUTLER
RYDER B. BUTTRY
KERRY L. BURTON
IAN G. BYNUM
CHRISTOPHER A. CABA
JAYNE CABA
JUAN A. CAESAR
LOUIS J. CALABRESE III
JEREEM M. CALDWELL
KENNETH C. CAVALLI
WILLIAM J. CALDWELL
KENDRICK G. C. CALLAHAN
RYAN T. CAMASO
VERONICA A. CAMOLO
JOSEPH S. CAMP, JR.
MATT J. CAMPBELL
REID S. CANDER
WILLIAM P. CARR
MATT S. CATTLETON
TOMAS P. CARRIL
MICHAEL F. CAPELL
JOSHUA M. CASTANEDA
ANDREW R. CATES
JASON R. CATS
JOSEPH L. CERRO
JUSTIN M. CHALBY
ERIK P. CHAMBERLAIN
VICTOR R. CHAN
SHANTICE S. CHAPIL
ANGELA N. CHAPOTEA
MATT J. CHARTON
TIMOTHY B. CHAREMIS
FELICIA J. CHAVEZ
TAO CHENG
COLIN M. CHRIST
SAMUEL C. CHRISTEN
DAVID M. CHRISTMON
ANDREW J. CHRISTOPHER
NICHOLAS J. CHRISTI
JAMIES L. CHRISTI II
JASON M. CLARK
JOHN C. CLARK
JOSEPH R. CLAYTON
BENJAMIN M. CLEIDE
JONATHAN P. CLEVELAND
GREGORY T. CLETT
ADAM R. CLEVEL
SPENCER D. COLAY
HAYLER L. COLLINS
STEVEN J. COLBURN
DAVID S. COLBY
BRINNIS S. COLGROVE
EYAN T. COLGAN
WILLIAM C. COLLER
BRANDON A. COLLINS
JOHN C. COLLINS II
RYAN W. COLLINSMINKEL
EMILY S. E. CONA
FRANK W. CONA
MIRANDA D. COONEY
REBECCA M. COTTON
ADAM R. COPPER
MATTHEW J. CORBETT
STEVEN J. COSTELLO
DAVID M. COOPER
BRENT A. COOPER
KYLE R. COPELAND
ETHAN COFMARK
JOSHUA L. CORNELIUS
DWAYT J. CORNISH
MAILE E. CORNISH
JOSHUA S. COWANT
BENJAMIN D. COYLE
JUSTIN G. CRABB
BRIAN A. CRAINER
STEPHEN H. CRANNEY
THOMAS A. CRISP
ROBERT D. CROSBY
KELSEY T. CRUMB
JOHN F. CULLISS
SAMUEL A. CRUZ
WILLIAM J. CURTIS, JR.
JOSEPH C. CUSHERI
KELSEY M. CUSTARD
GRANT C. W. DAIS
THOMAS M. DAOY
CHRISTIAN A. DANIELO
CHARLES R. DANIEL
JOSEPH F. DANIEL
CHRISTOPHER M. DANIELCYK
KURTIS R. DASON
J-da BRANDON
DAVID R. DABBE
STEVEN M. DAVIES
JASON C. DESJEURS
ANDREW N. DIKOY
SHAWN M. DELANEY
STEVEN M. DEMENT
JEFFREY J. DELIZ
PHILIP M. DEMOUL
ANDREW R. DERNON
JEFFREY R. DERSHL
JACOBY J. DENTCH
KIRA L. DEVINS-JONES

September 6, 2018
To the grade indicated in the United States Navy

Michael, L. Jong

June 6, 2018

To be lieutenant commander

Scott A. Aaron

To be lieutenant commander

To be commander

To be commander
To be lieutenant commander

MICHAEL K. SEALL

To be lieutenant commander

TO THE GRADE INDICATED IN THE UNITED STATES NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

BRENT A. RUSSELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

ROBERT R. DODGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

TO THE GRADE INDICATED IN THE UNITED STATES NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

ROBERT R. DODGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

ROBERT R. DODGE
CONFIRMATIONS

Executive nominations confirmed by the Senate September 06, 2018:

THE JUDICIARY

Marilyn Jean Horan, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

William F. Jung, of Florida, to be United States District Judge for the Middle District of Florida.

Dominic W. Lanza, of Arizona, to be United States District Judge for the District of Connecticut.

Charles J. Williams, of Iowa, to be United States District Judge for the Northern District of Iowa.

Robert R. Summerhayes, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Alan D. Albright, of Texas, to be United States District Judge for the Western District of Texas.

DEPARTMENT OF STATE

Randy W. Berry, of Colorado, 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 Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Michael A. Hammel, of Maryland, 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 Montenegro.

Foreign Service

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MAUREEN A. MALNAK.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CHARLES J. WILLIAMS.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ERIC C. TOSTRUD.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH RANDY W. BERRY.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TANYA S. Uquiche.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ALAINA B. TEPLITZ.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH STEPHANIE SANDERS SULLIVAN.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DOUGLAS M. SALIK.