

Circumstance Policy for the Transition Year” ((RIN0938-AT13) (CMS-5522-FC and IFC)) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2017; to the Committee on Finance.

EC-3395. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 3(d) of the Arms Export Control Act, as amended, the certification of a proposed license for the transfer of major defense equipment relative to the transfer of fifteen (15) F-16A/B aircraft, including spare parts and support equipment from the Government of the Republic of Jordan to Airborne Tactical Advantage Company (ATAC) in the amount of \$45,000,000 or more (Transmittal No. RSAT-17-5442); to the Committee on Foreign Relations.

EC-3396. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled “Department of Homeland Security 2017 Privacy Office Annual Report to Congress”; to the Committee on Homeland Security and Governmental Affairs.

EC-3397. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to thirteen audit reports issued during fiscal year 2017 regarding the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-3398. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to the Department’s 2016 list of Government activities determined to be inherently governmental and those determined to be not inherently governmental in nature and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC-3399. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-170, “Standard of Care for Animals Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-3400. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Episodic Alternative Payment Model For Radiation Therapy Services”; to the Committee on Finance.

EC-3401. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Rule on Attorney-Client Privilege for Trials Before the Patent Trial and Appeal Board” (RIN0651-AD10) received in the Office of the President of the Senate on November 6, 2017; to the Committee on the Judiciary.

EC-3402. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled “Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2017; to the Committee on Veterans’ Affairs.

EC-3403. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation entitled “Veteran Coordinated Access and Rewarding Experiences (CARE) Act”; to the Committee on Veterans’ Affairs.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was re-

ferred or ordered to lie on the table as indicated:

POM-133. A resolution adopted by the House of Representatives of the Commonwealth of Kentucky urging the United States Congress to pass the Miners Protection Act; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 136

Whereas, in 1946, faced with the prospect of a long strike that could hamper post-war economic recovery, President Harry Truman issued an Executive Order directing the Secretary of the Interior to take possession of all bituminous coal mines in the United States and to negotiate with the United Mine Workers of America “appropriate changes in the terms and conditions of employment”; and

Whereas, after a week of negotiations, the historic Krug-Lewis agreement was announced and signed in the White House with President Truman as a witness; and

Whereas, the agreement created a welfare and retirement fund that guaranteed lifetime payments to miners and their dependents and survivors in cases of sickness, permanent disability, death or retirement; and

Whereas, the agreement also created a separate medical and hospital fund; and

Whereas, in 1947, the government returned control of the mines back to their owners and a new collective bargaining agreement was reached with the companies that guaranteed retirement benefits to miners and their dependents and survivors for life; and

Whereas, for the next 70 years, miners bargained for money to be dedicated to their health care in retirement, because they knew when they retired they would be sicker than the average senior citizen, with more nagging injuries and a greater risk of black lung or some other cardio-pulmonary disease; and

Whereas, the federal government has repeatedly confirmed its role in guaranteeing retirement benefits for coal miners; and

Whereas, in 1992 Congress passed and President George H.W. Bush signed into law the Coal Act, which established an industry-funded mechanism for paying for the health care of retirees whose companies had gone out of business; and

Whereas, in 2006, Congress and President George W. Bush amended the Coal Act to expand the financial resources available to the fund; and

Whereas, a depression reigns in America’s coalfields today, with tens of thousands of jobs eliminated; and

Whereas, multiple companies have filed for bankruptcy and received approval from bankruptcy courts to shed their retiree obligations, leaving more than 26,000 retirees confronting the loss of their health care benefits; and

Whereas, like many other multiemployer pension funds, the United Mine Workers of America 1974 Pension Fund lost a significant portion of its value in the recession of 2008 through 2009, and, due to the devastation of the coal industry, will not receive enough contributions from the employers to make up the shortfall, leading the fund to likely become insolvent by 2022; and

Whereas, on December 9, 2016, Congress passed a Continuing Resolution to continue funding for federal programs and services until April 28, 2017, including a provision providing \$45 million for continued health care benefits for these retirees and their families until April 30, 2017; and

Whereas, Senators Joe Manchin and Shelley Moore Capito of West Virginia have introduced legislation co-sponsored by Republicans and Democrats, the Miners Protection Act, that would amend the Coal Act to allow retirees from recently bankrupt companies

to get health care coverage from the United Mine Workers of America Health and Retirement Funds and would repurpose the balance of an existing appropriation to provide funding to shore up the pension plan; and

Whereas, Representative David McKinley of West Virginia has also introduced the Miners Protection Act in the House of Representatives, and it is also co-sponsored by both Republicans and Democrats; and

Whereas, America’s coal miners have sacrificed much for our nation, with more than 105,000 killed on the job in the last century and more than 100,000 having died from coal workers’ pneumoconiosis, also known as black lung; and

Whereas, knowing those risks, miners have continued to go to work every day to provide for their families, build secure futures for themselves, and produce the fuel that has allowed America to become the most powerful nation on earth; and

Whereas, America has an obligation to our retired coal miners for the sacrifices they have made for our nation: Now, therefore, be it

*Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Kentucky House of Representatives urges the United States Congress to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned.

Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution and notification of its adoption to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and each member of Kentucky’s delegation to the United States Congress.

#### 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. 171. A bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes (Rept. No. 115-181).

By Mr. BURR, from the Select Committee on Intelligence:

Report to accompany S. 2010, An original bill to extend the FISA Amendments Act of 2008 for 8 years, and for other purposes (Rept. No. 115-182).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. McCAIN for the Committee on Armed Services.

\*Joseph Kernan, of Florida, to be Under Secretary of Defense for Intelligence.

\*Guy B. Roberts, of Virginia, to be an Assistant Secretary of Defense.

\*Mark T. Esper, of Virginia, to be Secretary of the Army.

\*Robert L. Wilkie, of North Carolina, to be Under Secretary of Defense for Personnel and Readiness.

By Mr. BURR for the Select Committee on Intelligence.

John C. Demers, of Virginia, to be an Assistant Attorney General.

\*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.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### 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 Ms. HARRIS (for herself and Mr. SULLIVAN):

S. 2083. A bill to enhance cybersecurity information sharing and coordination at ports in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 2084. A bill to include community partners and intermediaries in the planning and delivery of education and related programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Ms. COLLINS):

S. 2085. A bill to amend the Agriculture and Consumer Protection Act of 1973 to streamline application processes and reduce the administrative burden for the commodity supplemental food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN (for herself, Mr. TOOMEY, Mr. ALEXANDER, Mr. CASEY, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HASSAN, Mr. HELLER, Mr. KAINE, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. PORTMAN, Mr. WARNER, Ms. WARREN, and Mr. JOHNSON):

S. 2086. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to extend and modernize the sugar program, to extend and subsequently repeal the feedstock flexibility program for bioenergy producers, to extend and subsequently replace flexible marketing allotments for sugar, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARKEY (for himself and Mrs. CAPITO):

S. 2087. A bill to promote and ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs, to enhance accountability for the provision of such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FISCHER:

S. 2088. A bill to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes; to the Committee on Armed Services.

By Mr. BENNET (for himself, Ms. BALDWIN, Mr. MERKLEY, Mr. MARKEY, and Mr. FRANKEN):

S. 2089. A bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 2090. A bill to amend the Biggert-Waters Flood Insurance Reform Act of 2012 to make reforms to flood mapping programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WICKER:

S. 2091. A bill to amend the National Flood Insurance Act of 1968 to provide relief from surcharges to small businesses and nonprofit organizations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WICKER:

S. 2092. A bill to amend the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 to require insurance agents who sell flood insurance policies under the National Flood Insurance Program to take certain continuing educational courses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WICKER:

S. 2093. A bill to amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the Federal Emergency Management Agency with respect to post-storm assessments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BROWN, Ms. CANTWELL, Mr. COONS, Mr. DONNELLY, Ms. HIRONO, Mr. INHOFE, Mr. KING, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. PETERS, Mr. ROUNDS, Ms. STABENOW, and Mr. WARNER):

S. Res. 322. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. ERNST, Mrs. GILLIBRAND, Mrs. CAPITO, Mr. JOHNSON, Ms. MURKOWSKI, and Mr. BOOKER):

S. Res. 323. A resolution requiring sexual harassment training for Members, officers, employees, interns, and fellows of the Senate and a periodic survey of the Senate; to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 236

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 256

At the request of Ms. HEITKAMP, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 256, a bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

S. 372

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 372, a bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

S. 445

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Mr. SULLIVAN) 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. 591

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 591, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 611

At the request of Mr. PORTMAN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 611, a bill to amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

S. 708

At the request of Mr. MARKEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 708, a bill to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

S. 794

At the request of Mr. ISAKSON, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative